United Nations S/2016/712

Security Council

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Letter dated 15 August 2016 from the Permanent Representative of Malaysia to the United Nations addressed to the Secretary-General

I have the honour to forward to you a concept note for the Security Council open debate on the non-proliferation of weapons of mass destruction, which will be held on 23 August 2016 (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Ramlan **Ibrahim**
Ambassador
Permanent Representative of Malaysia

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Annex to the letter dated 15 August 2016 from the Permanent Representative of Malaysia to the United Nations addressed to the Secretary-General

Concept note for the Security Council open debate on the non-proliferation of weapons of mass destruction

> "*The Security Council...acting under Chapter VII of the Charter of the United Nations...calls upon all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery*".
>
> — Security Council resolution 1540 (2004)

Introduction

1. During its presidency of the Security Council for the month of August 2016, Malaysia will convene a high-level open debate on Tuesday, 23 August, on the topic "Challenges in addressing proliferation of WMDs, their means of delivery and related materials".[1] The meeting will be chaired by the Deputy Prime Minister of Malaysia, Ahmad Zahid Hamidi.

Background

2. The adoption of Security Council resolution 1540 (2004) in 2004 and the subsequent establishment of the 1540 Committee to monitor implementation of the provisions of the resolution was a significant milestone which demonstrated the international community's collective resolve to counter the proliferation of WMDs, their means of delivery and related materials, including and especially to non-state actors.

3. Over time, resolution 1540 (2004) has become an integral part of the global non-proliferation architecture alongside major international legally binding non-proliferation treaties and instruments such as the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological Weapons Convention and their respective implementation and monitoring mechanisms, namely the International Atomic Energy Agency (IAEA), the Organization for the Prohibition of Chemical Weapons (OPCW) and the Biological Weapons Convention Implementation Support Unit.

4. With the aim of strengthening the implementation of the 1540 regime, Spain, in its capacity as a non-permanent member of the Security Council and Chair of the 1540 Committee, has embarked on a comprehensive review of resolution 1540 (2004) which has so far included one round of formal open consultations with all Member States, relevant international and regional organizations and civil society in June 2016. The outcome of this review, which will conclude in December 2016, is

[1] Related materials means materials, equipment and technology covered by relevant multilateral treaties and arrangements, or included on national control lists, which could be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery.

expected to provide proposals to Member States on strengthening the implementation of resolution 1540 (2004).

5. In line with its long-standing, principled position and support for disarmament and non-proliferation of WMDs as fundamental underpinnings of the global peace and security architecture, Malaysia believes that convening this open debate will contribute to the currently ongoing 1540 comprehensive review process.

Purpose

6. In seeking to focus on the challenges faced by States in addressing the proliferation of WMDs, their means of delivery and related materials, including on the non-nuclear-related aspects, the convening of this open debate aims to contribute to the 1540 comprehensive review process by affording space for a more focused deliberation and engagement by Member States on the relevant issues.

7. A clear understanding of challenges faced is crucial and particularly pertinent towards collective efforts in balancing the need for access to chemical, biological, radiological and nuclear materials, equipment and technologies for peaceful or legitimate purposes against the security and safety concerns over possible proliferation of WMDs to non-state actors.

8. The open debate also aims at raising awareness on emerging proliferation trends in scientific, technological and international commerce advancements that may be vulnerable to proliferation risk and exploitation by non-state actors.

Context

9. One key factor that greatly impacts the effectiveness of the 1540 regime's implementation is that it is highly dependent on the cooperation of States not only with each other but also with the United Nations and with regional/international organizations.

10. Recent advancements and breakthroughs in the relevant fields of science and technology have lowered the threshold for possible acquisition of WMDs and related materials by non-state actors.

11. While the visibility of this risk appears to be low, it is nevertheless real, and States must continue to maintain a constant state of alertness, readiness and vigilance.

12. There is a need for States to prioritize, among other things, chemical and biological safety and security as well as the regulation of materials, equipment and technology related to WMDs and their means of delivery. In addition, the linkages between these two areas pose a significant implementation challenge for States.

13. Furthermore, the increasing accessibility to information on developing or weaponizing certain chemical, biological, radiological or nuclear agents/materials through the use of information and communications technology, particularly with regard to the Internet, adds a new dimension to the proliferation threat.

14. In addition, a key enabling factor is States' capacity for implementation. In this regard, Member States participating in the open debate may wish to also reflect on challenges faced with regard to capacity-building and training needs.

15. Member States are invited to participate in the open debate and focus on the challenges in addressing the proliferation of WMDs, their means of delivery and related materials to non-state actors.

16. Member States are encouraged to make action-oriented proposals that could be considered in future deliberations on the subject. With a view to having a focused discussion, delegations may wish to consider the following issues and questions in their interventions/statements:

(a) To identify challenges faced in addressing proliferation of WMDs, their means of delivery and related materials to non-state actors;

(b) To identify areas where there needs to be vigilance on the risks posed through science, technological and international commerce advancements on proliferation of WMD materials, equipment and technologies to non-state actors;

(c) To consider innovative ways to minimize risk of misuse of scientific, technological and international commerce breakthroughs that could lead to proliferation of WMD materials, equipment and technologies to non-state actors;

(d) To assess the implementation and effectiveness of existing measures aimed at stemming the proliferation of WMDs, their means of delivery and related materials to non-state actors;

(e) To explore the measures that could be considered to strengthen the current international disarmament and non-proliferation architecture, including the existing legal and normative framework;

(f) To explore other measures that could be considered to effectively implement existing legal, preventive and oversight measures on the proliferation of WMDs, their means of delivery and related materials to non-state actors;

(g) To identify specific and practical proposals to encourage more effective implementation of existing international and regional-level treaties, conventions and other legal instruments;

(h) To reflect on the effectiveness of cooperation between and among States, the United Nations and specialized agencies such as IAEA, OPCW and the International Criminal Police Organization (INTERPOL), including at the regional level;

(i) To share challenges and best practices, for example in the implementation of export control regimes and on ensuring physical safety and security of nuclear materials, biosecurity, chemical security and destruction of WMDs;

(j) To reflect on the challenges relating to States' capacity to implement Security Council resolution 1540 (2004);

(k) To explore practical proposals for effective and substantive engagement with non-traditional partners such as parliaments, industries, academia and civil society in developing a collective approach to address the new threats;

(l) To share experiences and practical proposals for raising public awareness as part of a broader strategy to address proliferation of WMDs to non-state actors.

Participation and briefers

17. Secretary-General Ban Ki-moon will deliver opening remarks, followed by a briefing from Emmanuel Roux, the Special Representative of INTERPOL to the United Nations. From civil society, Gregory D. Koblentz, Associate Professor of Government and Politics and Director of the biodefense graduate programme at George Mason University, will address the Security Council on developments in science and technology relevant to proliferation risks of WMDs, their mean of delivery and related materials.

18. Member States are encouraged to limit their statements presented in the chamber to four minutes and to circulate the full versions of their texts.

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Letter dated 15 August 2016 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the United Nations Operation in Côte d'Ivoire (UNOCI) and to Security Council resolution 2284 (2016), by which the Council extended the mandate of UNOCI for a final period, until 30 June 2017, including a two-month period of mission closure, as recommended in my special report on UNOCI dated 31 March 2016 (S/2016/297). In that report, I indicated that, in addition to implementing a prioritized, substantive mandate until 30 April 2017, UNOCI would enhance its efforts, initiated in 2013 and detailed in my report of 24 December 2013 (S/2013/761), to take forward activities related to the transformation of the United Nations engagement in Côte d'Ivoire, including the transfer of priority tasks of UNOCI to the Government and to the United Nations country team.

Côte d'Ivoire has made considerable progress towards lasting peace, security and political stability since UNOCI was established in April 2004, particularly in the years since the 2010-2011 post-electoral crisis. The timely decision to close UNOCI reflects the view of the Council that the situation in the country no longer presents a threat to international peace and security. However, continued efforts must be made by the Government of Côte d'Ivoire, with the support of its partners, to address the remaining fragilities that contributed to conflict in order to consolidate the hard-won peace and stability in the country. More remains to be done with respect to promoting social cohesion, mitigating the risks of local-level conflict and addressing economic inequality, particularly in the west of the country. While important work has been done to put in place policies and reforms aimed at enhancing the national institutional capacity to protect human rights, ensuring the rule of law and expanding access to justice and security services, implementation remains incomplete. Meanwhile, integrating former combatants into civilian society remains a challenge to the consolidation of peace, and there are residual humanitarian needs, particularly for internally displaced persons and refugees, who are still returning to the country. Despite improvements in the situation along the Liberia-Côte d'Ivoire border area, periodic violence over land conflicts and intercommunal disputes continues to create instability in the west, exacerbated by the distrust many communities feel towards the Ivorian armed forces.

In this context, the United Nations system in Côte d'Ivoire, in close consultation with the Government, is engaged in an integrated transition planning process in order to ensure a well-managed, responsible closure of UNOCI by 30 June 2017. The first step was to agree on priority areas of intervention that

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should be handed over to the Government of Côte d'Ivoire, the United Nations country team or other partners. The priorities areas are: national reconciliation and social cohesion; human rights and transitional justice; security sector reform; disarmament, demobilization and reintegration; defence and security; law enforcement; and communication, specifically UNOCI FM radio. Once the priority areas for intervention were agreed, joint technical committees comprising representatives of the United Nations and the Government were established, each of which finalized detailed transition proposals, mapping the specific tasks and associated costs and identifying partners to assume each responsibility. Those proposals are being consolidated and, once approved by the Prime Minister, will inform discussions during a meeting of the partners of Côte d'Ivoire, to be convened on 15 September 2016 by the Government, with support from the United Nations. That meeting, which will include bilateral and multilateral partners, regional organizations and other partners, will provide an important opportunity for all partners to commit to advancing efforts centred on a shared vision of the remaining priorities for peace consolidation, following the withdrawal of UNOCI. The meeting will also provide an opportunity to identify opportunities and resources to close identified gaps.

Meanwhile, the United Nations system in Côte d'Ivoire is finalizing a transition plan aimed at supporting the transfer of the residual priority responsibilities of UNOCI to the Government and the United Nations country team, as well as other partners. That plan will be aligned with a proposed $50 million programme, sourced by the United Nations country team, which will support its continued engagement in peace consolidation activities after the closure of UNOCI. It will also take into account shared strategic priorities of the United Nations system in Côte d'Ivoire and existing planning frameworks such as the "One United Nations" programmatic framework and the national development plan for the period from 2016 to 2020.

One of the innovative approaches to ensure a responsible transition from peacekeeping will be an enhanced commitment to programmatic cooperation, as indicated in Security Council resolution 2284 (2016). UNOCI has identified opportunities for other actors within the United Nations system to meet responsibilities that fall within its mandate. To that end, the mission will enter into arrangements to finance such programmatic cooperation through its assessed contributions, while maintaining strong oversight and accountability controls to ensure the delivery of these mandated efforts before its closure. Areas falling within the UNOCI mandate in which programmatic cooperation with the United Nations country team will be enhanced include social cohesion and national reconciliation, disarmament, security sector reform, cross-border stabilization and human rights, with a focus on sexual and gender-based violence. Such cooperation has a number of advantages. First, it will facilitate the transition of residual tasks, while also enabling the scaling up of the activities of the United Nations country team prior to the closure of the mission. Secondly, this will enable UNOCI to divest itself of core infrastructure in order to ensure its closure by 30 June 2017.

In parallel, options are being explored with the Peacebuilding Fund to continue to support the activities of the United Nations system in Côte d'Ivoire. With an investment of $33.7 million since 2008, the Fund has been instrumental in addressing peacebuilding needs in Côte d'Ivoire and establishing systems of coordination and joint programming. Currently, the Fund is providing $12 million in

funding to sustain a range of peace consolidation activities, including conflict prevention, national reconciliation and social cohesion. Plans are also under way to develop a project aimed at bolstering social cohesion and confidence in security actors along the border with Liberia. Given the scarcity of funds for countries in transition, I hope that current efforts to recapitalize the Fund are successful, so that it can continue to be a reliable partner.

The international community, and the Security Council in particular, has made a considerable investment in Côte d'Ivoire through the deployment of the peacekeeping mission over the past 12 years. Securing that investment requires continuous support for the priorities identified above. With the closure of UNOCI on the horizon, it is critical that adequate resources be mobilized to fill the gaps identified in the overall effort to consolidate peace. While the Government of Côte d'Ivoire has demonstrated its willingness and capacity to provide leadership, it is essential that all partners mobilize around this collective effort to ensure that the transformation of the United Nations involvement in Côte d'Ivoire is a success.

I would be grateful if you could bring the present letter to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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Implementation of Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014) and 2258 (2015)

Report of the Secretary-General

I. Introduction

1. The present thirtieth report is submitted pursuant to paragraph 17 of Security Council resolution 2139 (2014), paragraph 10 of Council resolution 2165 (2014), paragraph 5 of Council resolution 2191 (2014) and paragraph 5 of Council resolution 2258 (2015), in which the Council requested the Secretary-General to report, every 30 days, on the implementation of the resolutions by all parties to the conflict in the Syrian Arab Republic.

2. The information contained herein is based on the data available to United Nations agencies on the ground, from the Government of the Syrian Arab Republic, other Syrian sources and open sources. Data from United Nations agencies on their humanitarian deliveries have been reported for the period from 1 to 31 July 2016. More recent data has been included when available.

II. Major developments

A. Developments on the ground

3. During the reporting period, the deteriorating security environment had a significant impact on the humanitarian situation, including further damage to civilian infrastructure such as hospitals and schools, limiting the ability of United Nations agencies and their partners to deliver much-needed humanitarian support. Military activities, including airstrikes, continued in Aleppo, Dayr al-Zawr, Hasakah and Idlib, as well as in Rif Dimashq and other governorates. In line with resolution 2258 (2015), the following description of developments on the ground reports on the compliance by all parties in the Syrian Arab Republic with resolutions 2139 (2014), 2165 (2014) and 2191 (2014). This information is provided without prejudice to the work of the International Syria Support Group Task Force on the Ceasefire.

4. Military activity intensified in Aleppo governorate in July, including major military operations by both Government and non-State armed groups in Aleppo city. On 7 July, Government forces advanced north of Aleppo city, cutting the Castillo road, the only remaining supply route to non-State armed group-held areas in the

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eastern part of Aleppo city. On 11 July, airstrikes on a residential area in the old city area of Aleppo reportedly resulted in the killing of 18 civilians, including two children and one woman, and the injury of at least 30 others. On 16 July, various neighbourhoods in non-State armed group-held Aleppo including Firdaws, the old city of Aleppo and Ma'adi were hit by several airstrikes that reportedly resulted in the killing and injury of at least 22 civilians. Umar ibn Abdulaziz hospital in Ma'adi neighbourhood was also allegedly damaged and put out of service by airstrikes which hit in its vicinity. The next day, airstrikes on residential areas of Abu al-Zuhur reportedly killed 11 civilians from one family and injured five others. On 23 and 24 July, the Office of the United Nations High Commissioner for Human Rights (OHCHR) received reports of four makeshift hospitals, along with the central blood bank, being hit by airstrikes in eastern Aleppo city (see para. 42). On 25 July, airstrikes hit a residential area in Mashhad neighbourhood, reportedly killing at least six civilians. On 31 July, airstrikes on three non-State armed group-controlled neighbourhoods of Aleppo — Mashhad, Ansari and Sukkari — destroyed a number of residential structures and reportedly killed at least 15 civilians, including a child, and injured another 10 civilians. Moreover, following an opposition advance in the south-west of the city, 25,000 people were displaced. The United Nations Children's Fund (UNICEF) is providing assistance to these internally displaced persons in temporary shelters around the city.

5. Non-State armed groups significantly increased mortar and rocket attacks on Government forces-controlled areas in the western part of Aleppo city, causing significant casualties among civilians. During the Eid al-Fitr holidays, on 8 and 9 July, non-State armed groups reportedly increased the firing of mortars and rockets into Government-held areas of the city. At least 44 civilians were allegedly killed and dozens injured, including many women and children. Tens of civilians were reported as having been admitted to Razi and Jam'iy hospitals. The strikes continued throughout July, allegedly causing further civilian deaths and injuries. For example, on 22 July, six civilians, including a child, were reportedly killed in Government-controlled Aleppo when mortars fired from eastern Aleppo hit a public park. On 25 July, a civilian woman and her child were allegedly killed by a mortar that fell on Khalidiyah neighbourhood.

6. Attacks on civilian infrastructure in Aleppo city took their toll on civilians. They include attacks on 31 July and 1 August that reportedly damaged a transmission centre, resulting in an electricity blackout throughout western and eastern Aleppo. Consequently the two main water pumping stations, both located in eastern Aleppo and serving over 2 million people across the city, stopped functioning. In western Aleppo, humanitarian actors are scaling up alternative sources of water; however, these are not sufficient to meet the full needs of the population. In eastern Aleppo, public wells are serving a portion of the population but will require sustained access and supplies of fuel to continue operating.

7. On 10 July, airstrikes on a residential area of Kafr Ibbin reportedly killed at least 19 civilians, including 11 children and two women. The same day, seven civilians were allegedly killed by airstrikes in Shantarah. Another airstrike, on 18 July, in Tukhar Taymu allegedly killed eight civilians from a single family, including women and children. In the early morning hours of 19 July, numerous airstrikes again hit residential areas in Tukhar Taymu, allegedly killing at least 70 civilians from nine families, including at least 20 children. A medical unit in Atarib was also allegedly hit by airstrikes on 24 July. On 30 July, a makeshift hospital was allegedly hit by an airstrike in north-western Huraytan and put out of

service. No casualties were reported. On 30 July, four ground strikes hit the village of Kafr Naha reportedly killing five civilians and injuring 10 others. On 31 July, a ground strike hit a residential home in Anadan allegedly killing at least three civilians and injuring seven others.

8. Fierce fighting continued between Islamic State in Iraq and the Levant (ISIL) and Syrian Democratic Forces and their allies in and around the town of Manbij in the eastern countryside of Aleppo. On 18 July, at least 15 civilians from one family, including women and children, were reportedly killed when an airstrike hit their home in the Hazawnah neighbourhood of Manbij. On 28 July, airstrikes hit residential buildings in the ISIL-controlled town of Ghandurah located north-west of Manbij, and allegedly killed at least 28 civilians and injured dozens more, including a number of children. On 2 August, OHCHR received a note verbale from the Government of the Syrian Arab Republic which stated that those airstrikes killed 45 civilians. Hazawnah neighbourhood and the nearby village of Shuwayhah were also struck, and an unknown number of civilians were reportedly killed in Shuwayhah. Also on 28 July, an airstrike hit the Sharia Al-Rabita neighbourhood of Manbij and reportedly killed five civilians and injured dozens of others. On 28 July, ISIL allegedly executed at least 25 civilians, including a number of women and children, when they temporarily took over Buwayr village to the north of Manbij. Approximately 13,000 civilians were reportedly displaced from the town of Manbij because of ongoing infighting.

9. Fighting continued throughout the reporting period in Damascus and Rif Dimashq governorates, including the first attacks reported in recent months against Damascus city. On 2 July, airstrikes and artillery fire on Jayrud reportedly killed at least 35 civilians, including three children, four women and a doctor. On 4 July, airstrikes on a residential area in Khan al-Shih allegedly killed two civilians and injured five others. Airstrikes on a residential area of Marj on 12 July reportedly killed three civilians, including a woman, and injured at least six others. A woman and a child were allegedly killed in airstrikes in Hammurah on 23 July. The next day, artillery fire reportedly killed at least six civilians in the same town. On 24 July, at least five civilians were allegedly killed, including one woman and three children, when airstrikes hit a local market and houses in Irbin. Also on 24 July, at least seven civilians were reportedly killed, including three women and one child, and at least 19 others injured when ground strikes hit the old city of Damascus, damaging houses and restaurants. On 25 July, further ground strikes in Damascus hit the Ush al-Wurur area and reportedly injured at least six civilians. On the same day mortars landed in a residential area of Qaymariyah neighbourhood in the old city of Damascus and allegedly injured at least four civilians.

10. A number of strikes were also reported in the towns of Duma and Darayya during the reporting period. On 2 July, airstrikes on residential areas in Duma reportedly killed three civilians, including a child, and injured two other civilians. On 22 July, airstrikes and artillery fire which hit commercial and residential areas in Duma reportedly killed three civilians. Also on 22 July, an airstrike allegedly killed a woman and her two-month-old baby in a residential area of Darayya. On 25 July, three civilians including a child were reportedly killed and at least another two injured as a result of artillery fire and airstrikes which hit a residential area of the town.

11. In Idlib governorate, on 8 July, airstrikes struck a local market in Darkush allegedly killing at least 22 civilians, including nine women, and injuring 20 others. The town is reported to be densely populated with internally displaced persons from other areas in the governorate. The incident, which took place during the Eid al-Fitr

holiday, coincided with the last day of a 72-hour ceasefire agreement. On 11 July, airstrikes hit the town of Ihsim in close proximity to Shifa' hospital and allegedly killed three civilians, including one child, and injured at least three others. The hospital was severely damaged and put out of service. On 13 July, airstrikes hit a local market in Ariha and reportedly killed at least 13 civilians and injured several others. On 21 July, an airstrike hit a residential area in Tallmannis and reportedly killed at least nine civilians, including two children. At least 10 other civilians were injured. On 29 July, a maternity hospital in the village of Kafr Takharim in Idlib was hit by an airstrike. Two civilians were allegedly killed in the incident and the facility put out of service.

12. In Homs governorate, on 13 July airstrikes hit a number of civilian facilities in Rastan, including a Syrian Arab Red Crescent medical unit. As a result of the strikes, at least 17 civilians, including three women, were reportedly killed and approximately 48 others injured.

13. On 3 July, armed clashes broke out between Kurdish forces and national defence forces in Hasakah city. OHCHR received reports that at least five civilians were killed and three others injured in the crossfire. On 5 July, a suicide bomber targeted a bakery in the Salihiyah neighbourhood of Hasakah city. OHCHR received the names of 21 people — 15 men and 6 children — believed to be civilians who were reported to have died in the attack. Six others were also allegedly killed, four of whom remain unidentified. In addition, 29 individuals including six women were reportedly injured in the attack. A car bomb on 27 July in Qamishli close to the offices of the Office of the United Nations High Commissioner for Refugees allegedly killed 48 civilians, including women and children, and injured 140 more, along with the destruction of civilian homes and buildings.

14. Fighting continued between ISIL and Government forces around Dayr al-Zawr and Raqqah governorates. On 8 July, ISIL fighters fired mortar rounds into Government-held areas of Dayr al-Zawr city and reportedly killed four children in the Tulaytulah public garden area of Jurah neighbourhood. In Raqqah governorate, on 12 July, airstrikes on residential areas in Raqqah city allegedly killed four children, all siblings. On 19 July, at least 57 civilians, including women and children, were reportedly injured by airstrikes on a residential area of Tabaqah.

15. OHCHR has received reports of airstrikes allegedly conducted by international actors which resulted in civilian deaths and injuries, but was unable to identify the parties responsible. The United States Department of Defense confirmed that in July the United States-led coalition carried out 366 strikes against ISIL targets in the governorates of Aleppo, Raqqah, Hasakah, Dayr al-Zawr and Homs, 80 per cent of them around the area of Manbij. During a press briefing on 27 July, the United States Department of Defense stated that a formal investigation had been launched into allegations of civilian casualties as a result of a coalition airstrike on 19 July in Manbij. The Ministry of Defence of the Russian Federation provided no information to OHCHR on its operations in July, although on 28 July the Russian Defence Minister stated that Russian aerospace forces were providing active support to Government troops in response to ISIL and Nusrah Front[1] offensives in June and July near Aleppo.

[1] On 28 July, the Nusrah Front announced that it would henceforth be known as Jabhat Fatah al-Sham, or Front for the Conquest of the Levant, and said it no longer owed allegiance to Al-Qaida.

16. My Special Envoy for the Syrian Arab Republic continued to assess the environment across the country in order to determine the most opportune moment for the formal resumption of political negotiations and consistently called upon the co-Chairs of the International Syria Support Group, the United States of America and the Russian Federation, to strengthen the cessation of hostilities and take measures that enhance humanitarian access across the country for actors providing emergency support. Bilateral discussions between the United States and the Russian Federation in Moscow on 15 July paved the way for a trilateral meeting of the co-Chairs and the United Nations in Geneva on 26 July. All parties agreed at that meeting to prioritize political negotiations while the co-Chairs agreed to continue their bilateral engagement in order to strengthen the cessation of hostilities while pursuing counter-terrorism cooperation, and ensure the provision of humanitarian access and aid. In preparation for the resumption of formal political negotiations, my Special Envoy continued to engage the Government of the Syrian Arab Republic, regional States, and Syrian civil society on topics related to political transition throughout the month of July.

B. Human rights

17. OHCHR continued to receive reports of serious human rights violations in July. On 19 July, a video and photographs emerged of members of a non-State armed group in the Shi'ar district in the city of Aleppo taunting and mistreating a young male in the back of a pickup truck before one of the fighters beheaded him. The age of the male, who has the appearance of a child, was unknown. On 20 July, OHCHR received a note verbale from the Government of the Syrian Arab Republic in which it was stated that the boy was 12 years old. On the same day, the Nur al-Din al-Zanki movement issued a statement condemning the incident and indicating that those responsible had been detained and handed over to an investigation committee.

C. Humanitarian response

18. In July, United Nations humanitarian agencies and partners continued to reach millions of people in need through all modalities from within the Syrian Arab Republic and across borders pursuant to resolutions 2165 (2014), 2191 (2014) and 2258 (2015) (see table 1). Non-governmental organizations also continued to deliver assistance to people in need in line with previous months. The Government continued to provide basic services to areas under its control as well as in many areas beyond its control.

Table 1
Number of people reached by United Nations organizations, July 2016

Organization	*Number of people reached*
Food and Agriculture Organization of the United Nations	2 613
International Organization for Migration	45 561
Office of the United Nations High Commissioner for Refugees	175 570
United Nations Children's Fund	1.4 million
United Nations Development Programme	878 091

Organization	*Number of people reached*
United Nations Population Fund	384 507
United Nations Relief and Works Agency for Palestine Refugees in the Near East	450 000
World Food Programme	4.2 million
World Health Organization	746 334

19. Cross-border deliveries continued during the reporting period. In July, 10 consignments consisting of 335 trucks crossed from Turkey and Jordan to the Syrian Arab Republic under the terms of resolutions 2165 (2014), 2191 (2014) and 2258 (2015). Six of the consignments crossed from Bab al-Hawa (307 trucks), three from Bab al-Salam (13 trucks) and one from Ramtha (15 trucks). This brings the total number of trucks since the beginning of operations to 9,013 (6,582 through Bab al-Hawa, 716 through Bab al-Salam and 1,715 through Ramtha).

20. Shipments through the Ramtha crossing from Jordan resumed on 28 July after they were delayed by the Government of Jordan on 21 June because of the security situation along the Syrian-Jordan border. In Turkey, shipments were suspended for two days following the failed coup attempt of 15 July. They resumed without any problem on 18 July.

21. In line with Security Council resolutions, the United Nations notified the Syrian authorities in advance of each shipment, including content, destination and number of beneficiaries. The United Nations Monitoring Mechanism for the Syrian Arab Republic continued its operations, monitoring 335 trucks in the 10 consignments in July, confirming the humanitarian nature of each, and notifying the Syrian authorities after each shipment. The Mechanism continued to benefit from excellent cooperation with the Governments of Jordan and Turkey.

22. The inter-agency convoys to the besieged and hard-to-reach locations listed in table 2 were completed in July. Moreover, the World Food Programme (WFP) completed 22 airdrops, dropping a total of 405 tons of food commodities and humanitarian assistance on behalf of other United Nations agencies over Dayr al-Zayr city. Overall, since April, WFP has completed 87 airdrop rotations, dispatching 1,552 tons of food, nutrition, shelter and water, sanitation and hygiene supplies. In addition, the WFP Logistics Cluster completed 39 airlifts to Qamishli from Damascus, airlifting 1,464 tons of mixed food commodities as well as water, sanitation and hygiene, nutrition and shelter assistance as at 2 August. United Nations agencies also undertook single agency deliveries to cross-line and hard-to-reach locations or reached those locations through their regular programmes during the reporting period.

Table 2

Inter-agency convoys, July 2016

Date	*Location*	*Requested target (number of beneficiaries)*	*Targeted people reached*	*Type of assistance*
2 July	Eastern Harasta	21 000	10 000	Food, nutrition, water, sanitation and hygiene, education, health

Date	*Location*	*Requested target (number of beneficiaries)*	*Targeted people reached*	*Type of assistance*
12 July	Shaykh Maqsud	27 000	27 000[a]	Food, nutrition, water, sanitation and hygiene, education, non-food items, health
14 and 18 July	Wa'r	75 000	75 000	Food, water, sanitation and hygiene, nutrition, non-food items, health
19 July	Sirghaya	15 000	15 000	Food, nutrition, water, sanitation and hygiene, non-food items, health
21 July	Qal'at al-Madiq	32 000	32 000	Food, water, sanitation and hygiene, nutrition, education, non-food items, health
21 July	Urum al-Kubra	70 000	50 000	Nutrition, non-food items, health, medical
24 July	Mu'addamiyah al-Sham	45 000	40 000	Food, water, sanitation and hygiene, education, health
26 July	Hajib and Banan	7 000	7 000	Food, water, sanitation and hygiene, nutrition, education, non-food items, health
26 July	Talbisah	84 000	84 000	Food, nutrition, health
28 July	Rastan	110 000	110 000	Food, water, sanitation and hygiene, non-food items, health
31 July	Hulah	71 000	71 000	Food, water, sanitation and hygiene, nutrition, education, non-food items, health

[a] This was the third of three convoys that together reached 27,000 beneficiaries. The two previous convoys reached Shaykh Maqsud on 23 and 28 June.

Humanitarian access

23. The delivery of humanitarian assistance to people in need of assistance in the Syrian Arab Republic remained extremely challenging in many areas of the country as a result of active conflict, shifting conflict lines and deliberate restrictions by the parties to the conflict on the movement of people and goods.

24. In July, the number of people living in besieged and hard-to-reach areas stood at 5.47 million, an increase of some 900,000 people from the previous estimate of 4.6 million. As previously reported, this increase is based primarily on the inclusion of areas in parts of Aleppo, Raqqah and Hasakah governorates as a result of

insecurity, as well as constrained access for humanitarian actors both from within the country and via cross-border operations. Moreover, the population in eastern Aleppo, where an estimated 250,000 to 275,000 people reside, is at serious risk of besiegement as the fighting closes in and basic necessities run out.

25. Access to the millions of people living in besieged and hard-to-reach locations remained of critical concern. Overall, the United Nations agencies and partners reached 39 of the 182 besieged and hard-to-reach areas (21 per cent) through either inter-agency convoys or single agency deliveries. Details of assistance to those areas by sector in July are shown in table 3. Meanwhile, non-governmental organizations continued to provide limited medical, education and protection services, as well as some support in other sectors, in hard-to-reach locations, under extremely challenging circumstances.

Table 3
United Nations deliveries to hard-to-reach, besieged and priority cross-line locations, July 2016

Sector (United Nations delivery only)	*Number of people reached (percentage of 5.47 million)*
Food security	891 945 (16%)
Health (treatments)	402 433 (7.3%)
Non-food items	119 983 (2.1%)
Water, sanitation and hygiene	120 898 (2.2%)

26. Active conflict in several governorates hindered the effective delivery of humanitarian assistance, as well as people's access to essential services. Markets, schools, medical and other civilian infrastructures were damaged as a result of fighting in July, reducing the availability of basic and essential services in critical areas. For example, on 20 July, an airstrike reportedly hit the schoolyard of the Khalid Shaar examination centre in Idlib city, resulting in the death of a female student and one other adult. As a result of repeated airstrikes during the period, local education authorities decided to postpone all examinations, which resumed on 27 July. Further, an aerial bombardment on Saraqib city in Idlib, on 30 July, reportedly struck a university, resulting in partial structural damage. The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) was not able to conduct any mission in July to Yalda because of ongoing security concerns.

27. Fighting also disrupted humanitarian supply lines to communities at risk. For example, no deliveries to eastern Aleppo could be made during the month of July, as the Castillo road, the only access route, has been cut off since 7 July. Prior to the interruption of access, WFP had pre-positioned food supplies for tens of thousands of people for July and partially for August. However, distributions are currently on hold, owing to ongoing fighting and volatile security conditions. Since access was cut, prices of essential supplies like fuel and fresh produce have increased. Some basic commodities are no longer available on the market. Further, UNICEF partners have identified over 170 cases of acute malnutrition in eastern Aleppo and provided essential nutrition treatments. As doctors and facilities are increasingly scarce, however, humanitarian partners are having difficulty in sustaining services. A lack

of access to nutrition supplies has already disrupted services for 115 malnourished children who were, until recently, under treatment in eastern Aleppo.

28. On 28 July the Russian Federation announced the start of a large-scale operation to assist the civilian population of Aleppo and to ensure the exit of civilians through humanitarian corridors. The United Nations has been actively working on preparedness planning to assist all those in need, and held detailed discussions with Member States, including on the proposal of the Russian Federation, to ensure that key humanitarian principles would be strictly safeguarded in any possible initiative.

29. Deliberate interference and restrictions by the parties also continued to prevent aid delivery. For example, WFP continues to be unable to access populations in need in ISIL-controlled areas of the country, as all plans to deliver assistance to those areas have been suspended because of the inability to work independently and monitor activities. This is preventing WFP from reaching Raqqah governorate and most of Dayr al-Zawr governorate, except Dayr al-Zawr city where assistance is received via airdrops, as well as pockets of northern rural Aleppo, southern rural Hasakah and north-western rural Hama. Meanwhile, in July, more than 214,000 children, women and men in besieged and hard-to-reach areas were supported by UNICEF and partners with therapeutic foods, hygiene supplies and self-learning materials, as well as nutritional and psychosocial support.

30. The United Nations inter-agency convoy plan for July requested access to 1.2 million people in 35 besieged, hard-to-reach and priority cross-line locations. Of those 35 locations, 34 have been approved for access, representing approximately 75 per cent of total beneficiaries targeted, given the discrepancies between approved beneficiaries. Seventeen locations were approved in full for 502,500 people; 17 were partially approved with restrictions on the type of assistance and/or the number of approved beneficiaries for 354,000 people; and one location (Qabun) with 28,000 people was not approved. Overall, United Nations inter-agency convoys in July reached 484,000[2] beneficiaries in nine locations (40 per cent of targeted people reached). Medical items continued to be removed from convoys (see para. 46). Increased insecurity, delays in administrative procedures at the national and local level, and lack of agreement of the parties to the Four Towns ceasefire agreement prevented the United Nations agencies and other partners from fully implementing the July plan. On 4 July, the Resident and Humanitarian Coordinator for the Syrian Arab Republic, Yacoub El Hillo, issued a statement expressing alarm over reports of deteriorating humanitarian conditions in the four towns (Fu'ah, Kafraya, Zabadani and Madaya), and calling on the parties to the agreement to allow for immediate humanitarian access to avoid starvation. The statement also highlighted the detrimental impact of the tit-for-tat approach on medical evacuations, and underlined the need for a principled approach to emergency lifesaving response. While there were a limited number of medical evacuations in July, several children are currently in need of immediate medical evacuation from the four towns.

[2] The total does not reflect the 10,000 beneficiaries reached on 2 July in eastern Harasta as part of the June plan.

31. The Nusaybin/Qamishli crossing in Hasakah governorate has been temporarily closed by the Turkish authorities because of security concerns since 27 December 2015. Hasakah governorate also remains largely inaccessible by road for United Nations agencies from within the Syrian Arab Republic. On 9 July, the United Nations commenced airlifts from Damascus to Qamishli airport. As at 2 August, the Logistics Cluster had completed 39 airlifts carrying 1,464 tons of mixed food commodities, nutrition, shelter and water, sanitation and hygiene assistance on behalf of other humanitarian agencies, including 24,300 food rations sufficient for 121,500 people for one month. During the month of July, 13,091 WFP food rations were dispatched to partners in Hasakah governorate for distribution, sufficient to support 65,455 people for one month. This is the first time food assistance has reached the governorate since December 2015.

32. A total of 31 new visa requests were submitted in July; 21 requests were approved, including older applications, and 10 remain pending. Moreover, a total of 43 visa renewal requests were submitted in July, 23 of which were approved (including older applications); 19 remain pending, while one visa renewal request was rejected.

33. A total of 17 international non-governmental organizations are registered with the Government of the Syrian Arab Republic to operate in the country. Four more international non-governmental organizations are in the process of completing registration. Those organizations continued to face a series of administrative hurdles and restrictions that affect their ability to operate, including in gaining permission to undertake independent needs assessments.

Besieged areas

34. The number of people living in areas designated by the United Nations as besieged currently stands at 590,200. Humanitarian conditions in besieged areas continue to be dire. In besieged areas, the flow of commercial supplies through official routes remained largely blocked, leading to high prices for commodities reaching besieged areas through unofficial and irregular supply lines. Freedom of movement remained heavily restricted, though limited numbers are sporadically allowed to exit and re-enter some besieged areas.

35. In recent months, inter-agency convoys to besieged areas have highlighted numerous critical protection concerns beyond physical protection from ongoing fighting and lack of freedom of movement. A number of families have been separated, including children from their parents. Indications of severe trauma were observed, children being particularly affected. People in all locations expressed serious concerns about the unavailability of civil registration and documentation services. Access to education has been severely affected and significant numbers of children appear to have been recruited into armed groups, with many boys aged under 18 — in uniform and plain clothes — brandishing weapons. Child marriage has also been documented as widespread, as families are marrying their daughters at an increasingly younger age, often as a coping mechanism against poverty. The situation is further compounded by lack of opportunities for young people in besieged areas.

36. In July, the United Nations assisted approximately 224,000 people in besieged areas (37.9 per cent of the total besieged population) through inter-agency operations, including airdrops to Dayr al-Zawr city. Overall, since the beginning of

the year, inter-agency and UNRWA operations have reached a net total of 401,650 people in besieged areas (68 per cent of the total besieged population), many more than once.

37. The following locations are besieged by Government forces: (a) in eastern Ghutah, in Rif Dimashq governorate, some 282,500 people remain besieged in Duma, eastern Harasta, Irbin, Zamalka, Ayn Tarma, Hammurah, Jisrayn, Kafr Batna and Saqba; (b) in Darayya, in Rif Dimashq, about 4,000 people remain besieged; (c) in Madaya and Buqayn, in Rif Dimashq, some 43,000 people remain besieged; (d) in Zabadani, Rif Dimashq, some 700 people remain besieged; (e) in Mu'addamiyah al-Sham, in Rif Dimashq, about 45,000 people remain besieged by; and (f) in the Wa'r neighbourhood in Homs governorate, about 75,000 people are besieged. Some locations, including Madaya and Buqayn, have not received United Nations assistance since 30 April.

38. In Fu'ah and Kafraya in Idlib governorate, some 20,000 people remain besieged by non-State armed groups and the Nusrah Front. These locations have not received United Nations assistance since 30 April.

39. In Yarmuk, in Damascus, some 10,000 people are besieged by Government forces and non-State armed groups.

40. In the Government-controlled western neighbourhoods of Dayr al-Zawr city, some 110,000 people are besieged by ISIL.

Attacks on medical facilities and free passage of medical supplies, personnel and equipment

41. Primary, secondary and tertiary health-care services continue to experience severe gaps in performance and service delivery, owing to the extensive damage caused to health facilities, the rapid turnover of health staff, and the lack of qualified professionals in the different medical specialties. Paediatric and maternal health services, including routine vaccinations, remain negatively affected, particularly in the governorates of Aleppo, Hama, Homs and Dar'a, as well as in the besieged areas of Rif Dimashq.

42. In blatant disregard for the special protected status of health-care facilities under international humanitarian law and Security Council resolution 2286 (2016), adopted on 3 May, medical facilities continued to be damaged or destroyed as a result of fighting in the Syrian Arab Republic. The United Nations and health partners received credible reports, which are in the process of being verified by the United Nations and partner organizations, of 44 attacks against health facilities in July alone. For example, in July, five out of nine hospitals in eastern Aleppo were repeatedly attacked, severely disrupting and limiting life-saving health services for children and their families. This includes attacks on Bayan, Hakim, Daqqaq, Sayidah al-Zahra' and Umar ibn Abdulaziz hospitals, in which patients were killed and medical staff reportedly injured. According to reports, a two-day-old baby died in his incubator as a result of oxygen interruptions following the attack. Three other babies reportedly died the next day because of respiratory problems caused by the fallout of the bombardment. Those medical facilities are severally damaged. The remaining hospitals in eastern Aleppo cannot cater to the needs of the approximately 250,000 to 275,000 people. The few staff that remain are overstretched and working in shifts. Lack of health workers is compounded by the fact that many health workers are no longer able to make the daily

journey from their homes in the west of the city to the eastern area. Power and water shortages are severely affecting the delivery of health services.

43. Moreover, a hospital in Anadan, a blood bank in Atarib (both in Aleppo governorate) and a field hospital in Jasim (Dar'a governorate) were hit by airstrikes on 31 July. The previous day, a maternity hospital in Idlib was struck by airstrikes, putting the facility out of service and killing at least two people in addition to injuring a number of patients, including several babies and three female staff. This was the only maternity facility of its kind in the area, serving more than 1,000 women and children a month and delivering hundreds of newborns. Local health authorities reported that the facility was specifically targeted, as three out of six airstrikes on that morning were against the hospital. Dozens of casualties and injuries resulting from the strikes have been reported, including pregnant women and children as well as health staff. Prior to the reported strikes, these medical facilities provided life-saving health care to tens of thousands of people. Many of the locations are now inoperable. Moreover, according to verified reports, Raqqah National Hospital continues to be used by ISIL for military purposes with armed combatants, including children, posted outside as guards to control access to the facility.

44. The World Health Organization (WHO) and UNICEF continued with the implementation of the nationwide vaccination campaign. To date, the first round of the cross-border component of the campaign has reached about 1,070,245 children, equivalent to a coverage rate of 86 per cent. Moreover, from Damascus, the United Nations has reached 1.2 million children, 476,000 of whom live in hard-to-reach and besieged locations. In July, WHO, UNICEF and partners launched the second round of the campaign from within the Syrian Arab Republic, targeting children under the age of 5, with a focus on hard-to-reach and besieged locations.

45. Since the beginning of 2016, WHO has filed with the Government of the Syrian Arab Republic 29 requests to access 93 locations in 11 governorates (four requests were submitted in July). The Government has approved 8 of the 29 requests. No approvals were received in July, and 21 requests remain unanswered, for which WHO has sent many reminders.

46. The removal of life-saving medicines and medical supplies from humanitarian aid convoys continued. Serum drugs, renewable items (razors, scalpel blades, gauzes) and surgical equipment (forceps, scissors, needles) are consistently removed from midwifery kits, inter-agency emergency health kits, paediatric kits, and diarrhoeal disease sets. The following treatments and supplies were removed from convoys during July:[3]

Location	*Number of treatments*	*Type of treatments*
Irbin	343	Burn kits, medicine for the treatment and prophylaxis of heart failure, angina, and reduction of the pneumonia kit B
Wa'r	2 104	Italian trauma A and B, steam sterilizer, psychotropic medicines, atropine and lidocaine, surgical items

[3] Medical, health and surgical items have also been removed from convoys to Rastan and Hulah. The number of removed items is currently being verified.

Location	*Number of treatments*	*Type of treatments*
Sirghaya	509	Psychotropic medications, burn kits, items removed from supplementary inter-agency emergency health kits and pneumonia kit B, in addition to reducing the quantities of kits
Qal'at al-Madiq	1 572	Pneumonia kit B, supplementary and basic inter-agency emergency health kits (intravenous fluid, psychotropic medicines, anaesthetic and life-saving medicines) and antiseptics
Talbisah	660	Antiseptics and intravenous sets

47. Fears about the targeting of health facilities remain a driver of home deliveries among pregnant women in the southern Syrian Arab Republic. This trend is further exacerbated by the desire to obtain proper notification documents that a birth has occurred — a service which is increasingly available only from Government-salaried midwives who are fearful of retaliation by the Government if they are detected as practising within unauthorized or unofficial health facilities. An assessment of civil documentation conducted by the International Rescue Committee from April to June 2016 reported that the proportion of births for which a birth notification was issued was only 35 per cent in Dar'a and 15 per cent in Qunaytirah. Furthermore, participants in Rif Dimashq, Qunaytirah and Dar'a ranked "lack or loss of personal civil documents" as their main protection threat.

Safety and security of staff and premises

48. A total of 27 United Nations staff members, 25 of whom are UNRWA area staff, one from the United Nations Development Programme, and one from UNICEF, are still detained or missing. Since the start of the conflict, dozens of humanitarian workers have been killed, including 18 staff members of the United Nations, 53 staff members and volunteers of the Syrian Arab Red Crescent, and eight volunteers and staff members of the Palestinian Red Crescent Society. This includes Yaser Mahmoud Shuaeeb, an UNRWA staff member, who died on 17 July after being struck by shrapnel fragments. In addition, scores of staff members of international and national non-governmental organizations are reported to have been killed.

III. Observations

49. There are few words left to convey the suffering being endured by Syrians, more than five years into the conflict. In addition to the ongoing civilian deaths and injuries, the destruction of property and cultural heritage and the displacement of tens of thousands of people, many Syrians are also facing severe water and fuel shortages, causing increased levels of disease and hardship, in particular in besieged and hard-to-reach areas.

50. In besieged areas, Syrian suffering continues largely unabated. In particular areas which are part of the Four Towns ceasefire agreement — Madaya, Zabadani, Fu'ah and Kafraya — Syrians in dire need of medical evacuation continue to be denied the right to access the necessary medical treatment owing to the tit-for-tat

nature of the agreement. This includes children, mothers, the elderly, and other vulnerable people. Moreover, these areas have not received United Nations assistance since 30 April, raising concerns about cases of malnutrition possibly leading to starvation. These illegal practices of holding civilians hostage to the fighting must stop.

51. In Aleppo, more than 2 million people across the city are in fear of besiegement and in an uncertain and dangerous situation as fighting rages around them. The situation is growing worse for those 250,000 to 275,000 trapped in eastern Aleppo since 7 July, and it is extremely precarious for those in the west. The conduct of hostilities continues to be characterized by a prevailing disrespect for the fundamental rules of international humanitarian law. All parties to the conflict are failing to uphold their obligation to protect civilians. The fight for territory and resources is being undertaken through indiscriminate attacks on residential areas, including through the use of barrel bombs, killing hundreds of civilians, including dozens of children. In Aleppo we risk seeing a humanitarian catastrophe unprecedented in the more than five years of bloodshed and suffering in the Syrian conflict. I cannot stress strongly enough the need for a 48-hour pause in fighting, as well as safe and sustained humanitarian access in all areas of Aleppo. I also urge the co-Chairs of the International Syria Support Group, the United States and the Russian Federation, to rapidly reach agreement on a ceasefire in Aleppo and elsewhere. Not only would such an agreement ease the suffering of the Syrian people, it could also facilitate a more conducive environment for the resumption of the intra-Syrian talks.

52. In July, tens of thousands of people were forced from their homes in search of safety. Fighting continued to punish civilians across the country: in Aleppo, in Manbij, eastern Ghuta, in Dar'a and elsewhere. Attacks on hospitals, schools, basic services and humanitarian deliveries have continued unabated. The United Nations and health partners received credible reports, which are in the process of being verified by the United Nations and partner organizations, of 44 attacks against health facilities in July alone. What was inconceivable more than five years ago has become the norm for Syrian families and communities. The fighting must stop for humanitarians to be able to deliver aid and save lives. But most importantly the fighting must be halted to ease the suffering of those who already have lost so much.

53. As my Special Envoy prepares to convene the next round of political negotiations, I reiterate my call to the international community, and to the members of the International Syria Support Group in particular, to strengthen the cessation of hostilities and take measures that enhance humanitarian access across the Syrian Arab Republic. I commend the continued efforts by the Russian Federation and the United States to maintain the momentum and spearhead international support for the Syrian parties to work towards reaching a political agreement on the basis of Security Council resolution 2254 (2015). The people of the Syrian Arab Republic should not be forced to wait any longer for Syrian, regional and international parties to settle their scores. They have suffered enough and deserve our full attention, genuine effort, vision and leadership to end what has become one of the worst humanitarian tragedies of our times.

United Nations S/2016/715

Security Council

Distr.: General
17 August 2016
English
Original: Arabic

Identical letters dated 16 August 2016 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, and further to our previous letters regarding the ongoing violations of the sovereignty and territorial integrity of the Syrian Arab Republic being committed by the Turkish regime, including its continued support for armed terrorist groups that are active and commit acts of terrorism in the territory of the Syrian Arab Republic, I should like to convey to you the following information:

- On 1 August 2016, Turkish troops were observed entering Syrian territory. Those troops assembled opposite the village of Bikah, which lies in the Balilah district of the Afrin area in the northern countryside of Aleppo governorate, and built weapons depots. They handed over those depots, filled with weapons and ammunition, to the Army of Conquest, the Nusrah Front and Ahrar al-Sham terrorist groups. The Turkish troops also smuggled rockets and ammunition from Turkish territory and delivered them to armed terrorist groups in the countryside of Aleppo governorate.
- Trucks carrying unidentified cargo were observed entering Syrian territory from Turkey via the Atimah crossing in the countryside of Idlib governorate. On 2 August 2016, a convoy carrying terrorists was observed entering via the Atimah crossing.

In addition to conveying this serious information to you, the Government of the Syrian Arab Republic wishes to reiterate that these aggressions by the Turkish Government are a blatant violation of the principles of international law, the Charter of the United Nations and the principles governing good-neighbourly and friendly relations between the States Members of the United Nations. They also contravene Security Council resolutions concerning counter-terrorism, including resolutions 1267 (1999), 1373 (2001), 2170 (2014), 2178 (2014), 2199 (2015) and 2253 (2015), which oblige Member States not to provide any form of support to terrorist groups and their members.

Please recycle

The Government of the Syrian Arab Republic once again calls on the Security Council to fulfil its responsibilities and compel the Turkish regime to halt immediately its aggressions, which threaten regional and international security and stability, and to hold that regime accountable for its support of terrorism. Syria also calls on the Security Council to compel the Turkish regime to close its borders to armed terrorist groups and to stop arming and funding such groups.

I should be grateful if the present letter could be issued as a document of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

United Nations S/2016/716

Security Council

Distr.: General
16 August 2016

Original: English

Letter dated 15 August 2016 from the Secretary-General addressed to the President of the Security Council

In accordance with article 17, paragraph 3, of the Relationship Agreement between the United Nations and the International Criminal Court, I have the honour to transmit herewith a letter from the President of the Court, Judge Silvia Fernández de Gurmendi, dated 13 July 2016 (see annex). The President transmits therewith the decision on the non-compliance by Djibouti with the request to arrest and surrender Omar Al-Bashir to the Court and referring the matter to the Security Council and the Assembly of States Parties to the Rome Statute, issued by Pre-Trial Chamber II of the Court on 11 July 2016 in the case of *The Prosecutor v. Omar Hassan Ahmad Al Bashir*.

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

16-14214 (E) 230816

Please recycle

Annex

Letter dated 13 July 2016 from the President of the International Criminal Court addressed to the Secretary-General

[Original: English and French]

13 July 2016

Excellency,

Pursuant to article 17(3) of the Relationship Agreement between the United Nations and the International Criminal Court and in accordance with article 87(7) of the Rome Statute and regulation 109(4) of the Regulations of the Court, and as requested by Pre-Trial Chamber II, I hereby transmit the decision on the non-compliance by Djibouti with the request to arrest and surrender Omar Al-Bashir to the Court and referring the matter to the Security Council and the Assembly of States Parties to the Rome Statute, in the case of *The Prosecutor v. Omar Hassan Ahmad Al Bashir* of the said Chamber, dated 11 July 2016 (see enclosure).

I would be grateful if you could transmit the present letter and the enclosed decision to the Security Council.

(*Signed*) Silvia **Fernández de Gurmendi**

Enclosure

[Original: English]

Cour Pénale Internationale

International Criminal Court

Original: **English**

No.: **ICC-02/05-01/09**
Date: **11 July 2016**

PRE-TRIAL CHAMBER II

Before: **Judge Cuno Tarfusser, Presiding Judge**
Judge Marc Perrin de Brichambaut
Judge Chang-ho Chung

SITUATION IN DARFUR, SUDAN

IN THE CASE OF

THE PROSECUTOR v. OMAR HASSAN AHMAD AL BASHIR

Public Document

Decision on the non-compliance by the Republic of Djibouti with the request to arrest and surrender Omar Al-Bashir to the Court and referring the matter to the United Nations Security Council and the Assembly of the State Parties to the Rome Statute

Decision to be notified, in accordance with Regulation 31 of the *Regulations of the Court*, to:

The Office of the Prosecutor
Fatou Bensouda
James Stewart

Counsel for the Defence

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

States Representatives
Competent authorities of the Republic of Djibouti

Others
Presidency

REGISTRY

Registrar
Herman von Hebel

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Others

Pre-Trial Chamber II (the "Chamber") of the International Criminal Court (the "Court"), acting under article 87(7) of the Rome Statute (the "Statute"), issues this finding of non-compliance by the Republic of Djibouti ("Djibouti") with the request for arrest and surrender of Omar Hassan Ahmad Al-Bashir ("Omar Al-Bashir") to the Court and decision referring the matter to the United Nations Security Council (the "Security Council") and the Assembly of the State Parties to the Rome Statute (the "ASP").

I. Background

1. On 31 March 2005, the Security Council, acting under Chapter VII of the Charter of the United Nations, adopted Resolution 1593(2005), whereby it referred the situation in Darfur, Sudan, since 1 July 2002 to the Prosecutor of the Court and decided, *inter alia*, "that the Government of Sudan [...] shall cooperate fully with and provide any necessary assistance to the Court and the Prosecutor pursuant to this resolution".[1]

2. Acting upon this referral, the Prosecutor requested a warrant of arrest against Omar Al-Bashir for war crimes, crimes against humanity and genocide committed in Darfur, Sudan.[2] Two warrants for the arrest of Omar Al-Bashir were subsequently issued by Pre-Trial Chamber I, the first on 4 March 2009 for a number of war crimes and crimes against humanity[3] and the second on 12 July 2010 for the crime of genocide.[4] To date, these warrants of arrest remain to be executed.

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[1] S/RES/1593 (2005).

[2] A public redacted version of the Prosecutor's application for a warrant of arrest is available at ICC-02/05-157-AnxA.

[3] Pre-Trial Chamber I, "Warrant of Arrest for Omar Hassan Ahmad Al Bashir", ICC-02/05-01/09-1

[4] Pre-Trial Chamber I, "Second Warrant of Arrest for Omar Hassan Ahmad Al Bashir", ICC-02/05-01/09-95.

3. As a State Party to the Rome Statute, Djibouti was notified of the request for arrest and surrender of Omar Al-Bashir to the Court on 30 September 2010.[5]

4. On 10 May 2016, the Registrar informed the Chamber that, according to media reports, Omar Al-Bashir had travelled to Djibouti on 8 May 2016 in order to attend the inauguration of President Ismail Omer Gaili.[6]

5. Upon receipt of this information, the Chamber, on 17 May 2016, issued a decision whereby it noted that: (i) in case of non-compliance with obligations to cooperate with the Court, one of the tools available to the Court pursuant to article 87(7) of the Statute is to make a finding of non-cooperation by the State and refer the matter to the ASP or, where the situation had been referred to the Court by the Security Council, to the Security Council; and (ii) prior to any such step being taken, regulation 109 of the Regulations of the Court mandates that "the Chamber shall hear from the requested State".[7] The Chamber therefore invited Djibouti to provide its observations in accordance with regulation 109 of the Regulations of the Court in order for the Chamber to determine the course of action in relation to Djibouti's non-compliance with its obligation to arrest and surrender to the Court Omar Al-Bashir, including on whether resort to the measures under article 87(7) of the Statute would be warranted in the present circumstances.[8]

6. On 24 June 2016, the Chamber received from the Registrar a note verbale by Djibouti dated 8 June 2016 providing submissions on Djibouti's failure to arrest and surrender Omar Al-Bashir to the Court.[9] In essence, Djibouti

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[5] See ICC-02/05-01/09-127-Conf-Exp-Anx2 and ICC-02/05-01/09-127-Conf-Exp, para. 2.
[6] ICC-02/05-01/09-259-Conf-Exp.
[7] "Decision requesting the Republic of Djibouti to provide submissions on its failure to arrest and surrender Omar Al-Bashir to the Court", 17 May 2016, ICC-02/05-01/09-261.
[8] *Ibid.*
[9] ICC-02/05-01/09-264-Conf-Exp-Anx2.

submits that: (i) it lacks the national procedures required under Part 9 of the Statute for the arrest and surrender of suspects to the Court, including Omar Al-Bashir;[10] (ii) article 98(1) of the Statute precludes the arrest and surrender to the Court of Omar Al-Bashir since he is entitled to immunity as a serving Head of State;[11] (iii) Djibouti, as a member of the African Union, must respect the decision of the African Union directing its member states, in accordance with article 98 of the Statute, not to cooperate with the Court's request for arrest and surrender of Omar Al-Bashir to the Court;[12] and (iv) within the context of the Intergovernmental Authority on Development (IGAD), Djibouti is part of the peace process in the Republic of the Sudan and the Republic of South Sudan.[13]

II. Analysis

7. Pursuant to article 87(7) of the Statute, in case of non-compliance by a State Party with a request to cooperate with the Court contrary to the provisions of the Statute, one of the measures available to the Court is to make a finding of non-compliance by the State and refer the matter to the ASP and/or the Security Council when the latter referred the matter to the Court.

8. Djibouti is a State Party to the Statute. It has an obligation to cooperate with the Court in accordance with Part 9 of the Statute, including with requests for arrest and surrender to the Court of persons against whom a warrant of arrest has been issued by the Pre-Trial Chamber under article 58 of the Statute. As a State Party, Djibouti, pursuant to article 97 of the Statute, has also the obligation, in case of any problem which in its view may impede or prevent the execution of a request for cooperation by the Court, to consult with the Court without delay in order to resolve the matter.

[10] *Ibid.*, page 2.
[11] *Ibid.*, pages 2-3.
[12] *Ibid.*, page 3.
[13] *Ibid.*

9. In the present case, and notwithstanding its obligations to cooperate with the Court, Djibouti did not arrest Omar Al-Bashir while he was present on its territory and surrender him to the Court nor did it raise with the Court any problem it might have identified in the execution of such request.

10. At first, the Chamber notes Djibouti's argument that it lacks a procedure under its national law to comply with requests for arrest and surrender of suspects to the Court. To this purpose, Djibouti makes reference to article 88 and the last sentence of article 89(1) of the Statute.[14] However, these provisions do not make cooperation with the Court contingent on a State Party choosing to put in place the related national procedures, but mandate, respectively, that "States Parties shall ensure that there are procedures available under their national law for all of the forms of cooperation which are specified under [Part 9 of the Statute]" and that "States Parties shall, in accordance with the provision of [Part 9 of the Statute] and the procedure under their national law, comply with requests for arrest and surrender". Therefore, absence of relevant national legislation cannot serve as a justification not to comply with requests for cooperation by the Court under Part 9 of the Statute.

11. As concerns the issue of Omar Al-Bashir's purported immunity within the meaning of article 98 of the Statute and the related decision by the African Union directing its members not to comply with the Court's request for the arrest and surrender of Omar Al-Bashir, the Chamber recalls that, already on 9 April 2014, it stated in this regard:

> [B]y issuing Resolution 1593(2005) the [Security Council] decided that the "Government of Sudan [...] shall cooperate fully with and provide any necessary assistance to the Court and the Prosecutor pursuant to this resolution". Since immunities attached to Omar Al Bashir are a procedural bar from prosecution before the Court, the cooperation envisaged in said resolution

[14] ICC-02/05-01/09-264-Conf-Exp, page 2.

> was meant to eliminate any impediment to the proceedings before the Court, including the lifting of immunities. Any other interpretation would render the [Security Council] decision requiring that Sudan "cooperate fully" and "provide any necessary assistance to the Court" senseless. Accordingly, the "cooperation of that third State [Sudan] for the waiver of the immunity", as required under the last sentence of article 98(1) of the Statute, was already ensured by the language used in paragraph 2 of [Security Council] Resolution 1593(2005). By virtue of said paragraph, the [Security Council] implicitly waived the immunities granted to Omar Al Bashir under international law and attached to his position as a Head of State.[15]

12. In this sense, the Chamber clarified that "there also exists no impediment at the horizontal level" between a State Party to the Statute and the Republic of the Sudan regarding the arrest and surrender to the Court of Omar Al-Bashir.[16] Moreover, the Chamber stressed that since the Security Council, acting under Chapter VII of the United Nations Charter, had effectively lifted the immunities of Omar Al-Bashir in Resolution 1593(2005), a State Party to the Statute could not invoke any other decision, including that of the African Union directed to its member states, providing for any obligation to the contrary.[17]

13. The same considerations apply squarely to Djibouti and its submissions that it did not arrest and surrender Omar Al-Bashir to the Court because of his purported immunity as a serving Head of State and the related decisions by the African Union.[18]

14. Djibouti also submits, as an explanation for not having arrested Omar Al-Bashir and surrendered him to the Court while on its territory, that it is *"attaché au processus de paix de l'IGAD au Soudan et au Soudan du Sud"*.[19] In this regard, the Chamber, while sensitive to these political considerations, stresses

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[15] "Decision on the Cooperation of the Democratic Republic of the Congo Regarding Omar Al Bashir's Arrest and Surrender to the Court", 9 April 2014, ICC-02/05-01/09-195, para. 29 (footnotes omitted).
[16] *Ibid.*
[17] *Ibid.*, para. 31.
[18] ICC-02/05-01/09-264-Conf-Exp, pages 2-3.
[19] *Ibid.*, page 3.

that State Parties to the Statute must pursue any legitimate, or even desirable, political objectives within the boundaries of their legal obligations vis-à-vis the Court. Indeed, it is not in the nature of legal obligations that they can be put aside or qualified for political expediency.

15. Finally, the Chamber observes that already in May 2011, after the two warrants of arrest against Omar Al-Bashir had been issued by the Court, Djibouti failed to arrest and surrender Omar Al-Bashir to the Court while on its territory. As a result of this, Pre-Trial Chamber I, on 12 May 2011, made a finding of non-cooperation by Djibouti and referred the matter to the Assembly of States Parties to the Statute and the Security Council.[20]

16. Given that Djibouti's explanation as to its failure to arrest and surrender Omar Al-Bashir to the Court is limited to the aspects addressed above, that the non-compliance by Djibouti prevents the Court from exercising its functions and powers under the Statute within the meaning of article 87(7), and that the present one constitutes yet another instance in which Djibouti has failed to abide by his obligation to cooperate with the Court, the Chamber is of the view that it is appropriate to make a further finding of non-compliance by Djibouti with the Court's request for cooperation and refer the matter to the ASP and the Security Council under article 87(7) of the Statute.

17. In this context, the Chamber reiterates once again[21] that, unlike domestic courts, the Court has no direct enforcement mechanism and must rely on

[20] Pre-Trial Chamber I, "Decision informing the United Nations Security Council and the Assembly of States Parties to the Rome Statute about Omar Al-Bashir's recent visit to Djibouti", 12 May 2011, ICC-02/05-01/09-129.

[21] See also "Decision on the Non-compliance of the Republic of Chad with the Cooperation Requests Issued by the Court Regarding the Arrest and Surrender of Omar Hassan Ahmad Al-Bashir", 27 March 2013, ICC-02/05-01/09-151, para. 22; "Decision on the Cooperation of the Democratic Republic of the Congo Regarding Omar Al Bashir's Arrest and Surrender to the Court", 9 April 2014, ICC-02/05-01/09-195, para. 33; "Decision on the Prosecutor's Request for a Finding of Non-Compliance Against the Republic of Sudan", 9 March 2015, ICC-02/05-01/09-227, para. 17.

cooperation by the States in order to fulfil its mandate. It is therefore of particular importance that the Security Council, after referring a situation to the Prosecutor of the Court as constituting a threat to international peace and security,[22] responds with any appropriate measure to the failure on the part of States Parties to the Statute to cooperate with the Court in order for it to fulfil the mandate with which it has been entrusted. In the absence of follow-up actions on the part of the Security Council any referral to the Court under Chapter VII of Charter of the United Nations would become futile and incapable of achieving its ultimate goal of putting an end to impunity. Similar considerations demand that appropriate follow-up actions in response to the non-compliance by a State Party to the Statute with requests for cooperation by the Court be taken by the ASP with a view to ensuring that the Court is able to exercise fully its functions and powers under the Statute.

18. Regulation 109(4) of the Regulations of the Court stipulates that, in case a finding has been made under article 87(7) of the Statute, it is the President of the Court that refers the matter to the ASP and/or the Security Council. The present decision is therefore notified to the President in order for it to be transmitted to the ASP and, through the Secretary-General of the United Nations, to the Security Council.

[22] Resolution 1593(2005).

FOR THESE REASONS, THE CHAMBER

FINDS, pursuant to article 87(7) of the Statute, that the Republic of Djibouti has failed to comply with the request for arrest and surrender of Omar Al-Bashir to the Court, thereby preventing the Court from exercising its functions and powers under the Statute; and

DECIDES that the matter of Djibouti's non-compliance with the request for arrest and surrender of Omar Al-Bashir to the Court be referred, through the President of the Court in accordance with regulations 109(4) of the Regulations of the Court, to the Assembly of States Parties to the Rome Statute and the United Nations Security Council.

Done in both English and French, the English version being authoritative.

Judge Cuno Tarfusser
Presiding Judge

Judge Marc Perrin de Brichambaut

Judge Chang-ho Chung

Dated this 11 July 2016
At The Hague, The Netherlands

Cour Pénale Internationale
International Criminal Court

Name: Nuria Velils
Certifies Document
No: ICC-02/05-01/09-266
Title: Decision on the non-compliance by the
On: Republic of Djibouti with the request to arrest an[illegible] surrender Omar Al-Bashir to the Court and referring the matter to the United Nations Security Council and the Assembly of States Parties to the Rome Statute
14/07/2016 The Hague

United Nations S/2016/717

Security Council

Distr.: General
16 August 2016

Original: English

Identical letters dated 16 August 2016 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

I am writing to you with regard to deeply concerning information that has come to light regarding the direct involvement of Hizbullah in developing a terrorist infrastructure in the West Bank and Gaza.

Over the past few months Israel submitted multiple indictments against Palestinian individuals who were involved in plans to carry out deadly terror attacks in Israel. Over the course of the investigations, the suspects revealed that these terrorist plots were initiated, funded and carried out under direct instructions from the internationally recognized terrorist organization Hizbullah, a proxy of Iran.

These attempts were directed by Hizbullah's Unit 133, which was established to recruit, train and finance operatives to carry out terror attacks against Israelis in Israel, the West Bank, Egypt and Jordan. The operatives recruited by Hizbullah were instructed to carry out high-profile terror attacks, including suicide bombings, shooting attacks and planting of explosive devices.

An example that reveals the extent to which Hizbullah's sophisticated terror network involving Palestinians has grown was detailed by Usama Noaf Sid Najim, a Palestinian terror recruit from the West Bank, arrested in the last few months. According to information he provided, Najim was recruited through Facebook by a Hizbullah Unit 133 front operator working from the Gaza Strip, named Muhammad Abu Jadian, and was instructed to recruit a terror cell in order to carry out a suicide bombing attack on an Israeli passenger bus. He received payments from Hizbullah for his activities on its behalf and received special encrypted software to set up a secure line of communication with Hizbullah operators and with Abu Jadian.

In another case, a Hizbullah operative, who went by the name "Bilal", recruited an 18-year-old Palestinian, Mustafa Kamel Hindi, from Kalkilya in the West Bank through Facebook. Bilal was in contact with Hindi through e-mail and later through encrypted software that he had provided. He instructed Hindi to recruit a terror cell in order to carry out a terror attack against an Israel Defense Forces patrol. Hindi recruited four men from Kalkilya, and the cell was actively preparing for the attack when they were arrested.

Evidence obtained from these and other arrestees demonstrates a clear pattern and a consistent mode of operation by Hizbullah. New recruits are pursued through the use of social media, operatives in Lebanon, and the on-the-ground activities of

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local agents, such as Gaza operator Abu Jadian, who has personally played a role in several of these attempted terrorist acts. In turn, these operatives are directed to recruit further new potential agents and undergo intensive training in preparation for terror operations, all while maintaining direct and secure contact with Hizbullah operators in Lebanon.

This structured, well-organized operation demonstrates an ongoing intent to strike at targets inside Israel from Palestinian territory. Hizbullah seeks to use this Palestinian terror infrastructure in order to cover its tracks, avoid accountability and conceal its role as mastermind of such attacks. Conducting such terror activities in territories governed by the Palestinian Authority also serves another interest of Hizbullah, to put the security coordination between Israel and the Palestinians at risk, and to undermine the Palestinian Authority.

Hizbullah's activities in the Palestinian territories are part and parcel of its ongoing attempts to endanger the stability in the Middle East. It is clear that in addition to assisting the Assad regime to besiege and starve the Syrian population, and its ongoing involvement in the civil war in Yemen, Hizbullah has not ceased its active aggression against Israel.

The International community must condemn the ongoing effort of Hizbullah to attack Israeli citizens, increase the violent wave of terror and destabilize the entire region. It must also send a clear message to Hizbullah that its attempts to avoid responsibility and accountability for its actions will not succeed.

This month, as the Security Council convenes to extend the mandate of the United Nations Interim Force in Lebanon, it is crucial to ensure the full implementation of resolution 1701 (2006), which requires "the disarmament of all armed groups in Lebanon, so that ... there will be no weapons or authority in Lebanon other than that of the Lebanese State".

I call upon the Security Council to condemn Hizbullah's dangerously destabilizing activities, to designate Hizbullah as a terrorist organization and to make it clear that it will be held accountable for any terrorist activity and for any involvement in such activities in the future.

I should be grateful if you would have the present letter distributed as a document of the Security Council.

(*Signed*) Danny **Danon**
Ambassador
Permanent Representative

United Nations A/70/1018–S/2016/718

General Assembly
Security Council

Distr.: General
17 August 2016

Original: English

General Assembly
Seventieth session
Agenda item 34
Prevention of armed conflict

Security Council
Seventy-first year

Letter dated 3 August 2016 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Upon the instructions of my Government, I am transmitting herewith for your attention the press release of the Ministry of Defence of the Nagorno Karabakh Republic dated 31 July 2016 on the situation on the line of contact between the Nagorno Karabakh Republic and the Republic of Azerbaijan (see annex).

I kindly request that the present letter and its annex be circulated as a document of the General Assembly, under agenda item 34, and of the Security Council.

(*Signed*) Zohrab **Mnatsakanyan**
Ambassador
Permanent Representative

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Annex to the letter dated 3 August 2016 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Press release

Situation on the line of contact

In the early hours of 31 July, the Azerbaijani army violated the ceasefire on the line of contact between the armed forces of the Nagorno Karabakh Republic and Azerbaijan 46 times, firing over 600 shots towards the positions of the Defence Army of the Nagorno Karabakh Republic from firearms of different calibres.

As a result of the ceasefire violation, on 31 July at 00.40 a.m., serviceman Hovhannes Gasparyan, born in 1997, was wounded in one of the military units of the Defence Army of the Nagorno Karabakh Republic located in the southern direction.

31 July 2016

United Nations S/2016/719

Security Council

Distr.: General
17 August 2016

Original: English

Letter dated 16 August 2016 from the Permanent Representative of Saudi Arabia to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you a letter from Mr. Najib Ghadbian, Special Representative of the Syrian National Coalition to the United Nations, dated 16 August 2016 (see annex).

I would be grateful if you could circulate the present letter and its annex as a document of the Security Council.

(*Signed*) Abdallah Y. **Al-Mouallimi**
Permanent Representative

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Annex to the letter dated 16 August 2016 from the Permanent Representative of Saudi Arabia to the United Nations addressed to the President of the Security Council

On behalf of the High Negotiations Committee and as requested by His Excellency Riad Hijab, General Coordinator of the Committee, it is my honour to transmit to you a letter addressed to you from Mr. Hijab dated 16 August 2016 (see enclosure). The letter discusses the gravity of the chemical weapons attacks in the city of Aleppo.

(*Signed*) Najib **Ghadbian**
Special Representative of the Syrian National Coalition
to the United Nations

Enclosure

[Original: Arabic]

High Negotiations Committee of the Syrian Revolutionary and Opposition Forces

I write to you in order to draw your attention to the horrific situation in besieged eastern Aleppo and to new reports that the forces of the Assad regime, with the support of their allies, the Russian air force and Iranian militias, have used chemical weapons to attack Aleppo, in direct violation of Security Council resolutions 2118 (2013), 2209 (2015) and 2235 (2015). In addition, napalm, which is internationally prohibited, was used against Darayya in Rif Dimashq on 12, 13 and 14 August 2016.

On 10 August 2016, civilian residents of the Zabdiyah neighbourhood of Aleppo were attacked with illegal chemical substances when regime helicopters dropped barrel bombs containing toxic material. Area hospitals treated 60 injured, 40 of whom were children. All the victims later exhibited signs consistent with exposure to chlorine gas, including choking, coughing and shortness of breath. It has been confirmed that at least three civilians, including a woman and her son, have died as a result of the chemical weapon attacks.

The deadly chemical weapon attack of 10 August on Aleppo is yet another episode in the regime's chain of attacks against civilians in Aleppo. On the evening of 1 August, aid workers working with the Syrian Civil Defence reported that unguided bombs containing chlorine struck civilian homes in Saraqib, Idlib governorate, and injured at least 28 civilians, including 18 women and 10 children.

The use of chlorine gas as a weapon of war to terrorize and/or kill civilians is a war crime and a direct violation of the Chemical Weapons Convention, to which Syria is a party, and of Security Council resolutions 2118 (2013), 2209 (2015) and 2235 (2015). In its resolution 2209 (2015), the Council specifically states that the use of chlorine gas as a weapon would constitute a violation of resolution 2118 (2013) and, in this context, it decided in the event of future non-compliance with resolution 2118 (2013) to impose measures under Chapter VII of the Charter of the United Nations. Measures must now be implemented pursuant to Chapter VII, and the Assad regime's repeated and systematic use of chemical weapons must be met with sanctions in order to deter future war crimes, including the use of chemical weapons against Syrian civilians.

On behalf of the people of Aleppo, Idlib and Darayya, and all of Syria, we call on the Security Council to:

1. Instruct the Joint Investigative Mechanism of the United Nations and the Organization for the Prohibition of Chemical Weapons to investigate the attacks of 1 and 10 August on the city of Aleppo and the cities of Saraqib in Idlib and Darayya in Rif Dimashq, which killed four people and wounded dozens, and to present a preliminary analysis of its investigations to the Security Council at the next briefing on the humanitarian situation.

2. Impose measures pursuant to Chapter VII of the United Nations Charter, as called for in Security Council resolutions 2118 (2013), 2209 (2015) and 2235 (2015), and take urgent action to protect Syrian civilians from additional attacks

with chemical and internationally prohibited weapons, including the use of naval assets stationed in the Mediterranean Sea to impose a "no-bombardment" zone throughout Syria.

3. Ensure that those responsible for the use of chemical weapons, including chlorine gas, are held accountable, as required by Security Council resolutions 2118 (2013), 2209 (2015) and 2235 (2015). This can be accomplished either by creating a special court for Syria and/or by taking measures under local or international jurisdiction to be implemented by the Governments of Member States.

You must not allow the chemical weapons attacks in Aleppo, Idlib and Darayya to become another ignominious stain on the collective conscience of the Security Council. The Council and its member have a mandate to protect civilians from chemical weapon attacks, and the time has come for members to fulfil that mandate. To date, some 2,000 Syrian civilians have been killed by chemical attacks, while hundreds of thousands of other civilians have been killed by various other types of weapons. I ask you, how many Syrians must die before the members of the Security Council are forced to act? How many innocent Syrian children will choke to death from chlorine gas before you answer their calls to provide protection for civilians?

Syrian civilians need protection from chemical weapons and other internationally prohibited weapons and from all indiscriminate air strikes. A "no-bombardment" zone is one possible way of providing that protection. I should like, through you, to urge the member States to impose such zone, despite the failure of the Security Council to carry out its mandate to protect civilians.

• https://youtu.be/VDnkD1EOyR8

(*Signed*) Riad **Hijab**
General Coordinator
High Negotiations Committee of the Syrian Revolutionary
and Opposition Forces

United Nations S/2016/720

Security Council

Distr.: General
16 August 2016

Original: English

Report of the Secretary-General on the progress made with regard to the stabilization and restoration of constitutional order in Guinea-Bissau

I. Introduction

1. The present report, submitted pursuant to paragraph 19 of Security Council resolution 2267 (2016), is my second report on the progress made by Guinea-Bissau with regard to the stabilization and restoration of constitutional order in the country. It provides an update on relevant developments since my previous report of 12 August 2015 (S/2005/619) and includes recommendations on the continuation of the sanctions regime, pursuant to Council resolution 2267 (2016) and in line with paragraph 12 of Council resolution 2048 (2012).

2. In fulfilment of the above request from the Security Council, the Department of Political Affairs undertook an assessment, facilitated by the United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS). Discussions were held with representatives of political parties in the National People's Assembly, including the President of the African Party for the Independence for Guinea-Bissau and Cabo Verde (PAIGC), the Secretary-General of the Party for Social Renewal (PRS) and the President of Union for Change (UM), with representatives of the Permanent Mission of Guinea-Bissau to the United Nations and with representatives of Angola and Brazil (Chair of the Peacebuilding Commission and Chair of the Guinea-Bissau configuration of the Peacebuilding Commission). Discussions were also held with representatives of China, France, Nigeria, Portugal, the Russian Federation, Senegal, Spain, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Timor-Leste, the African Union, the Community of Portuguese Language Countries, the Economic Community of West African States (ECOWAS), the European Union, the United Nations Office for West Africa and the Sahel (UNOWAS) and civil society organizations ("Former Freedom Fighters" organization and the Women's Political Platform).

II. Key findings

3. The tentative yet significant progress made in Guinea-Bissau following the 2014 elections, through the formation of a legitimate, inclusive and democratic Government, has largely been reversed. Three successive changes in Government and a prolonged period of political paralysis have resulted in the further weakening

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of State institutions over the last 12 months. The implementation of key priority reforms in the defence, security and judicial sectors has been suspended and the provision of basic services has been negatively affected. The uncertain political environment has reduced both donor and investor confidence.

4. The recommendations on the continuation of United Nations sanctions contained in my previous report (S/2005/619) remain valid and relevant to the deteriorating political situation in Guinea-Bissau. These recommendations include: the maintenance of the present sanctions regime to signal to the entire population that measures are applicable to all spoilers, regardless of their political or institutional affiliation, and that the Council remains ready to adjust the measures and designations as needed; the establishment of a panel of experts to support the Committee's work; the establishment of clear benchmarks for lifting sanctions; and a review of the situation with respect to the 11 designated individuals to determine if they continue to meet the listing criteria.

5. There is broad consensus that sanctions have acted as a deterrent to the direct involvement of the security and defence forces in the deteriorating political situation the country has faced since August 2015. Stability within the military has also been promoted through capacity-building and education programmes, supported by the Chief of General Staff of the armed forces. However, the risk of an intervention by the military may increase if: the political crisis persists; reforms of relevant sectors are not implemented; and, in particular, the precarious budgetary situation prevents the payment of soldiers.

III. Sanctions in Guinea-Bissau

6. There have been no changes to the sanctions regime established by the Security Council pursuant to resolution 2048 (2012) since my last report (S/2015/619). The travel ban measure remains in place and the 2048 (2012) Committee sanctions list contains the names of 11 individuals, all members of the "Military Command" responsible for the 12 April 2012 coup d'état. Five were designated by the Security Council on 18 May 2012 (Ibraima Camará, António Injai, Estêvão Na Mena, Daba Naualna and Mamadu Ture) and six were subsequently designated by the 2048 (2012) Committee on 18 July 2012 (Sanha Clussé, Cranha Danfa, Idrissa Djaló, Tchipa Na Bidon, Tcham Na Man and Júlio Nhate).

7. During the last 12 months, the 11 sanctioned individuals remained part of the armed forces of Guinea-Bissau and, with three exceptions, continued to perform the same functions. On 30 June 2016, the Council of Ministers appointed Brigadier-General Daba Naualna, former spokesperson of the Chief of General Staff of the armed forces, as President of the Superior Military Tribunal, and Brigadier-General Tchipa Na Bidon as President of the Central Region Military Court. Rear Admiral Sanha Clussé, Chief of General Staff of the Navy, reportedly died on 24 April 2016. It should be noted that his name remains on the 2048 (2012) Committee sanctions list.

8. Since August 2015, there are reports that four designated individuals have travelled outside of Guinea-Bissau. While the individuals claimed that they had been outside the country for medical reasons, these violations of the travel ban continue to bring into question the efficacy of the implementation of the measure in

the region. The assessment also revealed that some misunderstanding remains with regard to the scope of the travel ban restriction. It is important to note that travel, justified on the grounds of humanitarian need, may be approved on a case-by-case basis by the 2048 (2012) Sanctions Committee.[1] Since my last report, the Committee has not received any request for an exemption in that regard. To maintain the credibility of the sanctions regime in Guinea-Bissau, it is important that the Committee follow up on these and any future alleged violations of sanctions measures.

9. However, as noted in my previous report, the impact of sanctions in Guinea-Bissau has surpassed the travel ban restrictions imposed by resolution 2048 (2012). While it remains difficult to isolate the contribution of United Nations sanctions relative to other factors, all interlocutors with whom the assessment team engaged agreed that sanctions had acted as a deterrent to the direct involvement of the security and defence forces in the political crisis the country has been facing since August 2015. It was in that context that the assessment team noted calls for the possible application of sanctions for any individuals responsible for fomenting political instability within the country.

IV. Progress made with regard to the stabilization and restoration of constitutional order in Guinea-Bissau

10. Since my last report, Guinea-Bissau has been in a continuous political crisis that has deeply affected the functioning of State institutions and undermined progress in the implementation of national reforms, as well as the country's socioeconomic prospects. The country is experiencing a period of political paralysis, which has created a sense of deep frustration and disappointment for both the people of Guinea-Bissau and international stakeholders.

11. In August 2015, President José Mário Vaz dismissed Prime Minister Domingos Simões Pereira and his Government. Following Mr. Pereira's dismissal, President Vaz appointed the third Vice-President of the PAIGC, Baciro Djá, as Prime Minister. However, on 8 September 2015, the Supreme Court ruled that the presidential decree appointing Mr. Djá was unconstitutional. After the Court's ruling, President Vaz initiated consultations with the five political parties represented in the National People's Assembly on the selection of a new Prime Minister. At the end of the consultations, the President accepted the candidate proposed by PAIGC, Carlos Correia, the party's first Vice-President, who was appointed and sworn into office on 17 September 2015.

12. The political environment in Guinea-Bissau remained tense, however, with deepening fissures between key political and institutional stakeholders. In December 2015, the National People's Assembly failed to adopt the Government's programme after 15 PAIGC and 41 PRS members of the Assembly abstained from the vote. The 15 PAIGC members were subsequently expelled by the PAIGC National Council of Jurisdiction and replaced with new members, and on 15 January 2016 their parliamentary mandate was removed by the Permanent Commission of the Assembly. On 28 January 2016, while President Vaz was undertaking consultations with political stakeholders, the Assembly approved the Government's

[1] See resolution 2048 (2012), para. 5.

programme of work in a session not attended by the members of PRS. On 4 April 2016, the decisions of the Permanent Commission of the Assembly and the PAIGC National Council were declared unconstitutional by the Supreme Court, which ordered the reinstatement of the 15 expelled PAIGC members of the Assembly. As a result, the Government's programme of work has not been adopted.

13. Continued political tensions ultimately led to the dismissal by President Vaz of Prime Minister Carlos Correia on 12 May 2016, barely eight months after his appointment. On 26 May 2016, President Vaz once again appointed Baciro Djá as Prime Minister. To express their dissatisfaction with the President's decision, members of the dismissed Government occupied the Government Palace for 14 days while PAIGC petitioned the Supreme Court, questioning the constitutionality of Mr. Djá's reappointment. The prolonged impasse over the new cabinet, the fourth since the legislative elections of May 2014, came close to a confrontation, as security forces reinforced their presence at the Government Palace. On 9 June 2016, following intensive negotiations involving leaders from civil society, the Economic Community of West African States (ECOWAS) Mission in Guinea-Bissau (ECOMIB) and UNIOGBIS, the remaining members of the dismissed cabinet vacated the Government Palace peacefully.

14. On 15 July 2016, the Supreme Court voted 7 to 3 to declare Mr. Djá's appointment constitutional. However, at the time of the writing of the present report, the Government's programme of work still lacked approval by the National Assembly and deep divisions persisted inside PAIGC.

15. To date the security and defence forces have refrained from getting involved in the political crisis, although ECOMIB has played an important role by closely monitoring the security situation in the country and deterring the security forces from intervening. At the 49th Ordinary Session of the Authority of Heads of State and Government of ECOWAS, on 4 June 2016, the mandate of ECOMIB was extended for a further 12 months. This extension was welcomed by the African Union Peace and Security Council at its 604th meeting, on 9 June 2016, following its mission to the country from 16 to 21 March 2016, and by the members of the Security Council on 14 June 2016. Conferences between civil and military entities and the promotion of unity and stability within the military through capacity-building and education programmes supported by the Chief of General Staff of the armed forces have also been viewed as positive efforts contributing to the peaceful response of the security forces to political developments.[2] There is a need for the international community to enhance support for critical reforms of the defence sector and for efforts to secure the gains achieved thus far.

16. As a result of the political instability, many of the positive developments achieved in the aftermath of the Presidential elections in 2014 have been derailed. Efforts to implement the recommendations contained in the universal periodic review of the Human Rights Council and advanced at the 2013 National Conference on Impunity, Justice and Human Rights have been delayed. The crisis and consequent industrial (job) action have negatively affected the administration of education and health sectors, with a disproportionate impact on children and women. Representatives from women's groups expressed deep frustration and concerns over the adverse impact the current crisis is having on women's

[2] Interview with the President of the "Former Freedom Fighters" organization.

participation in politics and in the decisions which affect them. They noted that they had proposed landmark legislation at the National Assembly advocating a 40-per-cent level of representation by women in politics, but that the legislation had not passed due to the paralysis within the National Assembly.

17. In spite of the ongoing uncertainty over governance, economic growth and recovery is expected to continue in 2016. However, against this fragile political background, donors have been reluctant to honour pledges made at the international partners' round table in March 2015. Moreover, major institutions such as the World Bank, the African Development Bank and the European Union have suspended budget support to Guinea-Bissau, while the International Monetary Fund (IMF) has interrupted "balance of payments support". Eighty per cent of the budget of Guinea-Bissau depends on external financial support. The suspension of international financial assistance could, therefore, have a devastating impact on the Government's capacity for social intervention and its ability to pay public salaries.

18. There are concerns that groups such as Al-Qaida in the Islamic Maghreb could take advantage of the instability in Guinea-Bissau to gain a foothold to advance their agenda of violent extremism. In March 2016, four individuals suspected of collaborating with an Al-Qaida-linked group were followed in Guinea-Bissau and arrested by the authorities while crossing the border. There are concerns in the region that the country could become a target for terrorist incursions, as, in the present environment, the capacity of the Government to respond to this threat or to possible threats of transnational organized crime and drug trafficking remains limited.

19. My Special Representative for Guinea-Bissau has been using his good offices, in close consultation with regional and international partners, to persuade national stakeholders to urgently resolve the current impasse through dialogue, in accordance with the Constitution. At its 586th meeting, on 31 March 2016, the African Union Peace and Security Council requested the Chairperson of the Commission to propose a high-level facilitator team to engage Guinea-Bissau stakeholders to support the creation of and conditions for a dialogue between the main political stakeholders. At the 49th ordinary session of the Authority of Heads of State and Government of ECOWAS on 4 June 2016, the Community decided to deploy a high-level delegation composed of the Presidents of Guinea, Senegal and Sierra Leone to Guinea-Bissau in order to contribute to the search for a solution to the political impasse. Former President Olusegun Obasanjo, in his capacity of Special Envoy for Guinea-Bissau of President Muhammadu Buhari of Nigeria, has also been actively involved in mediation efforts within the framework of ECOWAS and in consultation with my Special Representative for Guinea-Bissau.

20. As stated in my previous report (S/2015/619), the root causes of instability in Guinea-Bissau remain unaddressed and the current political paralysis risks reversing the progress made after the successful general elections in 2014. Stakeholders need to address the issues related to the current crisis through constructive dialogue and understanding, with particular attention to ending the current constitutional crises, respecting the rule of law, combating impunity, promoting accountability and seeking viable solutions.

V. Recommendations on the continuation of United Nations sanctions

21. The prolonged political paralysis within Guinea-Bissau over the last 12 months has highlighted the fragility of State institutions, albeit within the framework of the recently restored constitutional order. Ambiguity in interpretation of the separation of powers has led to the frequent changes of Government during this period. This has undermined political cooperation between the President, the Prime Minister and the President of the National Assembly, and has stalled the country's reform agenda, aggravating donor fatigue. Reforms, especially in the justice, security and defence sectors, are not only critical for the ongoing stability of Guinea-Bissau, but are the preconditions for renewed engagement and financial assistance from international partners.

22. The recommendations on the continuation of United Nations sanctions contained in my previous report (S/2005/619) remain valid and relevant to the deteriorating political situation in Guinea-Bissau. The Security Council may wish to maintain the current designation criteria and send a clear message to all citizens of Guinea-Bissau that the sanctions regime is applicable to all spoilers, regardless of their political or institutional affiliation, and that the Council is ready to give consideration to further enhancing sanctions measures and designations as and when required. The Council could also consider the establishment of a panel of experts in order to deepen the information base for more targeted and effective sanctions. Such a panel could also serve to promote greater awareness of the sanctions regime inside the country. The Panel's existence would also serve as a deterrent by signalling to would-be political spoilers that the Council is closely monitoring developments in Guinea-Bissau. Should the Council decide to establish such a panel, it could be mandated to identify those who meet the designation criteria for targeted measures.

23. The reported death in 2016 of one of the still-listed individuals and the appointment of another one to an important judicial position highlight the importance for the Security Council and its 2048 (2012) Sanctions Committee of reviewing the sanctions list in order to maintain the credibility of the regime. The establishment of a panel of experts, as proposed above, could assist in that process. Such a review could also be timed to coincide with consideration of key benchmarks, the completion of which might enable sanctions measures to be further adjusted, expanded or lifted. The establishment of benchmarks would send an important signal to designated individuals that there is a path to delisting.

24. Throughout this period of political instability within Guinea-Bissau, the Security Council has remained actively engaged and consistently responded to key political developments in Guinea-Bissau, expressing concern about political tensions and calling for continued respect for the rule of law and the promotion of inclusive dialogue to resolve the political impasse.[3] Direct engagement by the 2048 (2012) Sanctions Committee with local, regional and international actors, as well as United Nations system partners, would signal to the population an increased level of attention by the Council. The Council undertook a mission to Guinea-Bissau, on 7 March 2016, its first in more than a decade, in order to assess the situation on the

[3] See Security Council press statements on the situation in Guinea-Bissau (SC/12005, 12 August 2015); (SC/12007, 14 August 2015); (SC/12054, 21 September 2015); and (SC/12405, 15 June 2016).

ground and to deliver key messages to national stakeholders. Similarly, the Sanctions Committee may also wish to consider the possibility of its Chair undertaking a visit to Guinea-Bissau and the region to increase awareness of the sanctions and bolster their effectiveness.

25. The targeted measures imposed on individuals in Guinea-Bissau are directly aimed at protecting the peacebuilding and political process from actual and potential spoilers. In addition, the United Nations could help to create a more conducive environment for mediation of the crisis and provide mediators with greater leverage.

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Security Council
Seventy-first year

Letter dated 29 July 2016 from the Permanent Representatives of Slovakia and South Africa to the United Nations addressed to the Secretary-General

It is our honour to inform you that, on 21 June 2016, the co-chairs of the Group of Friends of Security Sector Reform, Slovakia and South Africa, held a high-level dialogue on building support for security sector reform priorities in the Central African Republic. The event was organized in cooperation with the United Nations Inter-Agency Security Sector Reform Task Force and its secretariat, the Security Sector Reform Unit in the Department of Peacekeeping Operations. The event hosted representatives of the Central African Republic, the United Nations Integrated Stabilization Mission to the Central African Republic and key multilateral partners, including the United Nations, the European Union and the World Bank, as well as bilateral donors.

It is our pleasure to present to you the outcome of this high-level event. We enclose the co-chairs' statement (see annex), which highlights recommendations that emerged from our deliberations.

Please allow us to express our sincere gratitude and to commend the dedicated work of the Department of Peacekeeping Operations and the Security Sector Reform Unit. The Group of Friends of Security Sector Reform remains committed to supporting the United Nations in enhancing its role and approach to the security sector reform support process.

We should be grateful if you would circulate the present letter and its annex as a document of the seventieth session of the General Assembly of the United Nations, under agenda item 34 (a), and of the Security Council.

(*Signed*) František **Ružička**
Permanent Representative
Permanent Mission of Slovakia the United Nations

(*Signed*) Jerry **Matjila**
Permanent Representative
Permanent Mission of South Africa to the United Nations

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Annex to the letter dated 29 July 2016 from the Permanent Representatives of Slovakia and South Africa to the United Nations addressed to the Secretary-General

Co-chairs' statement

High-level dialogue on building support for key security sector reform priorities in the Central African Republic

Introduction

The co-chairs of the Group of Friends of Security Sector Reform, Slovakia and South Africa, facilitated a dialogue to build support for security sector reform priorities in the Central African Republic. Held in cooperation with the United Nations, the Inter-Agency Security Sector Reform Task Force and its secretariat, the Security Sector Reform Unit in the Department of Peacekeeping Operations, the dialogue provided a unique platform for a high-level discussion among and between the Government of the Central African Republic and the international community on this important area and contributed to the implementation of Security Council resolution 2151 (2014), which sets out the guiding principles for international assistance to national security sector reform efforts. The dialogue was organized in two segments. The high-level segment took place on 21 June 2016 at United Nations Headquarters in New York. It brought together high-ranking representatives of the Government of the Central African Republic, the Special Representative of the Secretary-General and Head of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) as well as representatives of key partners, including the United Nations, the European Union, the World Bank, the African Union and bilateral donors. The expert segment of the dialogue was conducted on 22 June and provided a useful opportunity to take forward the themes identified at the New York meeting a day earlier, with particular emphasis on the key elements of national ownership and the importance of national responsibility and political consensus in this regard.

The dialogue focused on two priorities. Firstly, speakers reflected on the elements of the national security sector reform process that are needed to secure lasting peace and prevent a relapse into conflict. Secondly, there was a focus on immediate and long-term reform needs pertaining to security sector institutions, including the police, the gendarmerie, the military and relevant civilian control and oversight bodies. Also, the role of local communities and their capacity to meaningfully participate in the provision of security and fulfil their democratic oversight role was noted.

Observations

Throughout the high-level segment of the dialogue, security sector reform was highlighted as a key tool for preventing relapse into conflict and as such the need was stressed for a strategic approach to security sector reform, consisting of three key elements:

1. Put in place a national policy and governance framework for the security sector

Considering the scope of the challenges and needs facing the security sector, a strategic long-term approach is essential for managing the security sector reform process. In this regard, the security sector reform policy framework should set out the security sector reform commitments, with a common understanding that a failure to progressively implement this framework will increase the likelihood of relapse into conflict.

Such a national security policy would include tangible steps towards developing a viable governance framework for the security sector. Increased accountability of the armed and security forces and the establishment of appropriate mechanisms and tools for parliament and local communities/civil society to exercise oversight will be crucial. To establish a system of democratic governance, it will be important to initiate and sustain consultations on an appropriate formula for decentralization and regional/local administration of security as means of introducing mechanisms for the devolution of power and as means for sustainable extension of State authority beyond Bangui; United Nations support to security sector reform in post-conflict environments has demonstrated that the process of separation of powers between political and military leaders, while a precondition for civilian control and oversight, is often a slow and gradual process. Hence, in the immediate aftermath of conflict, leaders of armed groups may view integration as an assurance policy and tool to secure immediate participation in the post-conflict political process. To avoid the creation of large and ultimately unsustainable armed forces, dialogue on security sector integration should, from the onset, go beyond military integration and lay the ground for the emergence of security governance throughout the country.

Indicators of progress could include: political accountability for leading a reform process in accordance with agreed objectives and principles, including those agreed during the Bangui Forum for National Reconciliation in the Central African Republic; increased representation within armed and internal security forces according to ethnicity, regional representation, gender and religion; effective decision-making within national security coordination and policymaking as an indicator of political will for security sector reform, the establishment of a dedicated monitoring and evaluation capacity within the coordination structure to enable impact-oriented evaluation, and the enhanced participation of local communities in security sector policymaking and decision-making.

2. Lay the ground for the effective functioning, professionalism and internal accountability of security institutions, in particular the Central African Armed Forces (FACA), the gendarmerie and the police

Identify and undertake tangible steps towards right-sizing the security sector as a prerequisite for its sustainability and professionalization. Additionally, put in place an appropriate and clear delineation between the roles and responsibilities of FACA, the police and the gendarmerie and take visible steps to demonstrate the application of agreed roles. Adopt a code of conduct for uniformed personnel and support its application as a means of enhancing trust with citizens and as a mechanism for developing a culture of internal accountability and professionalism. The establishment of Inspector-General functions and the empowerment of their offices would be an important step in the right direction. Implement a police

development programme, with immediate focus on rehabilitating and equipping the police and gendarmerie training institutions.

3. **Enhance coordination of international support, including of MINUSCA support, to the national security sector reform process within a mutual accountability framework (compact)**

Key security sector reform indicators should be included in a mutual accountability framework between the Government and the international community to facilitate the allocation of international support to clearly defined national goals. A mechanism for donor coordination, under national leadership, should facilitate the coherence of support. As a first step, the Government needs to articulate needs and define its funding strategy, including from domestic resources. Indicators of effective coordination of international support may include evidence that the Government engages with donors and partners in a transparent and predictable manner, thus building confidence and sustaining international support for its reform programme.

Follow-up action

This high-level dialogue on building support for key security sector reform priorities in the Central African Republic has confirmed the importance of creating a dedicated space for exchanging and discussing the most pressing challenges and opportunities for security sector reform in countries emerging from conflict. For the purpose of contributing to the implementation of immediate security sector reform priorities as the basis for sustaining peace and enabling peacebuilding and recovery to take place in the Central African Republic, we commit ourselves to:

- Presenting this co-chairs' statement to the Security Council and the Peacebuilding Commission
- Presenting this co-chairs' statement to the Secretary-General of the United Nations for circulation to relevant United Nations agencies and departments
- Requesting that the co-chairs of the high-level dialogue receive a detailed report of the event, including the expert-level discussions
- Encouraging the use of the observations contained in the present document to inform the development of a comprehensive support plan for security sector reform in the Central African Republic to be presented at the upcoming donors' conference in Brussels
- Convening a discussion of the Group of Friends of Security Sector Reform to follow up on the status of the recommendations contained herein, to ensure continued support to the security sector reform process in the Central African Republic by the international community
- In keeping with Security Council resolution 2151 (2014), we encourage the Secretary-General to provide comprehensive reporting on security sector reform implementation, taking into account the specific objectives and indicators discussed, and in particular to bring to the attention of the Council any developments that may undermine prospects for their fulfilment, as those may contribute to heightening the risk for relapse into conflict.

United Nations S/2016/722

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Letter dated 18 August 2016 from the Secretary-General addressed to the President of the Security Council

As requested by the Security Council in paragraph 13 of its resolution 2286 (2016), I have the honour to submit my recommendations on measures to enhance the protection of, and prevent acts of violence against, the wounded and sick, medical personnel and humanitarian personnel exclusively engaged in medical duties, and their means of transport and equipment, as well as hospitals and other medical facilities, and to better ensure accountability for such acts.

The recommendations aim to enhance the practical application of protections afforded under international law; they do not aim to modify existing international obligations or create any new ones. The recommendations and a brief introductory note are annexed hereto.

I would be grateful if you could bring the present letter and its annex to the attention of the members of the Security Council. I remain at their disposal should they wish to be briefed on these recommendations.

(*Signed*) **BAN** Ki-moon

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Annex

Recommendations of the Secretary-General, submitted pursuant to paragraph 13 of Security Council resolution 2286 (2016), on measures to prevent acts of violence, attacks and threats against the wounded and sick, medical personnel and humanitarian personnel exclusively engaged in medical duties, their means of transport and equipment, as well as hospitals and other medical facilities, and to better ensure accountability and enhance their protection

Introduction

1. The growing insecurity of medical care in armed conflict* is part of a broader trend of blatant disregard for the fundamental norms that safeguard humanity. In a number of ongoing armed conflicts, all too often, medical facilities and transports are bombed, shelled or looted, medical workers are threatened, kidnapped, injured or killed, fighting occurs within or near medical facilities and access to medical care is arbitrarily obstructed. Although consistent, worldwide data on such violations is still lacking, the reality on the ground is unequivocal. According to secondary data consolidated by the World Health Organization, in 2014 and 2015, there were 594 records of attacks against medical care in 19 countries. In 2015, Doctors without Borders reported attacks on 75 medical facilities that it managed or supported. From 2012 to 2014, the International Committee of the Red Cross reported that 2,400 attacks against patients and medical personnel, facilities and transports had occurred in 11 conflict-affected countries. The immediate consequences of such violence are loss of life, injury, destruction and deprivation of vital care. In the long term, it results in disruption to the provision of medical care for thousands of patients, sometimes lasting even after the fighting has stopped.

2. On 3 May 2016, the Security Council unanimously adopted resolution 2286 (2016) in response to its deep concern about the acts of violence, attacks and threats against medical personnel and humanitarian personnel exclusively engaged in medical duties, their means of transport and equipment, as well as hospitals and other medical facilities, being perpetrated in armed conflict. I warmly welcome the Security Council's determination to strengthen the protection of medical care in armed conflict.

3. In its resolution 2286 (2016), the Security Council underlines the continued and critical importance of international humanitarian law. It calls on Member States and all parties to armed conflict to comply with their long-standing obligations and to adopt practical measures to prevent and end violence against medical care and ensure accountability for violations. All State and non-State parties to armed conflict are bound by a strict obligation to respect and protect medical workers and

* Throughout these recommendations, the expression "medical care in armed conflict" encompasses "the wounded and sick, medical personnel and humanitarian personnel exclusively engaged in medical duties, their means of transport and equipment, as well as hospitals and other medical facilities", as reflected in Security Council resolution 2286 (2016). The expression "medical care in armed conflict" is solely intended as shorthand and does not alter the scope of the resolution.

facilities, as well as the wounded and sick. As I have urged in recent reports, the enactment and enforcement of domestic laws and regulations, education and training, cooperation with local communities, the systematic collection and reporting of data on alleged violations and the investigation and prosecution of alleged violations are all essential to enhance the protection of medical care in armed conflict.

4. In paragraph 13 of resolution 2286 (2016), the Security Council requests me to promptly provide it with recommendations on measures to prevent acts of violence, attacks and threats against the wounded and sick, medical personnel and humanitarian personnel exclusively engaged in medical duties, their means of transport and equipment, as well as hospitals and other medical facilities and to better ensure accountability and enhance their protection.

5. Following consultations with relevant United Nations and non-governmental entities, including humanitarian and medical organizations operating in situations of armed conflict, I present a number of key recommendations to respond to the request by the Security Council. These recommendations set out practical measures that all States should implement to prevent acts of violence, attacks and threats against medical care in armed conflict, enhance the protection of medical care and ensure the documentation of acts of violence, attacks and threats against medical care, as well as accountability and redress.

6. In order to establish an adequate preventive framework, recommended measures include adhering to relevant international treaties; reinforcing national legislative frameworks; ensuring legal protection for medical ethics; promoting regular cooperation and the sharing of best practices; enhancing the role of United Nations peacekeeping operations; exerting influence to ensure respect for the law; and promoting awareness of the law and a culture of respect. The practical implementation of precautionary measures throughout military operations is also important in order to enhance the protection of medical care in armed conflict. To ensure the documentation of acts of violence, attacks and threats against medical care in armed conflict, as well as accountability and redress, recommended approaches include regular data collection, analysis and reporting on incidents; full, prompt, impartial, independent and effective investigations into alleged serious violations against medical care in armed conflict; the prosecution of alleged serious violations; and the provision of assistance and reparations to victims and the restoration of essential services.

7. In its resolution 2286 (2016), the Security Council has demonstrated its determination to strengthen the protection of medical care in armed conflict. We must now heed the Council's demands and take concrete action.

Recommendations of the Secretary-General on measures to prevent acts of violence, attacks and threats against the wounded and sick, medical personnel and humanitarian personnel exclusively engaged in medical duties, their means of transport and equipment, as well as hospitals and other medical facilities, and to better ensure accountability and enhance their protection

A. Establishing or reinforcing a framework of respect for, and protection of, the wounded and sick, medical personnel and humanitarian personnel exclusively engaged in medical duties, their means of transport and equipment, as well as hospitals and other medical facilities in armed conflict

Recommendation 1. Adhering to relevant international treaties

8. Member States should ratify or accede to, as the case may be, all international treaties that are relevant to the protection of medical care in armed conflict, including the Protocols Additional to the Geneva Conventions, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Arms Trade Treaty, the Convention on the Privileges and Immunities of the United Nations and the Convention on the Privileges and Immunities of the Specialized Agencies.

Recommendation 2. Reinforcing national legislative frameworks

9. Member States should undertake comprehensive reviews of their domestic laws and adopt the necessary reforms to ensure that they fully incorporate international legal obligations relevant to the protection of medical care in armed conflict. In particular, Member States should ensure that their domestic legal frameworks provide for, at a minimum:

(a) An unconditional, non-derogable right for individuals under their jurisdiction to access, on a non-discriminatory basis, goods and services necessary to meet their basic needs, including medical care, essential drugs, safe and potable water, the minimum essential food which is nutritionally adequate and safe to ensure freedom from hunger, and basic shelter, housing and sanitation;

(b) An obligation for Member States to respect the inviolability of United Nations premises, as laid out in the Convention on the Privileges and Immunities of the United Nations of 1946, and in the Convention on the Privileges and Immunities of the Specialized Agencies of 1947;

(c) Obligations for parties to armed conflict to:

(i) Search for, collect, evacuate and treat the wounded and sick, as far as practicable, with the least possible delay and without any distinction other than on medical grounds;

(ii) Protect and facilitate the search for, collection, evacuation and treatment of the wounded and sick by impartial humanitarian organizations as well as personnel exclusively engaged in medical duties, including first aid responders;

(iii) Respect and protect personnel exclusively engaged in medical duties;

(iv) Respect and protect hospitals and other medical facilities and means of transportation exclusively used for medical purposes;

(v) Protect and facilitate the rapid and unimpeded passage of medical and other humanitarian relief, including into territory and across conflict lines.

Recommendation 3. Guaranteeing the ability of personnel exclusively engaged in medical duties to act in line with medical ethics, without incurring sanctions or punishment for doing so

10. Member States should adopt specific legal and practical measures to guarantee the ability of personnel exclusively engaged in medical duties to treat patients without any distinction other than on medical grounds, in line with their ethical obligations, in all circumstances, without incurring any form of harassment, sanctions or punishment, including measures to guarantee respect for the confidentiality of information obtained in connection with the treatment of patients. Exceptions should be in full conformity with medical ethics, international humanitarian law and human rights standards, which implies, inter alia, that they should be: (a) strictly limited in time and subject to regular review; (b) precisely and exhaustively defined by domestic legislation; and (c) necessary and proportionate in light of a legitimate objective of general interest, in accordance with international human rights standards.

11. Member States should put in place measures to ensure that personnel exclusively engaged in medical duties and security sector personnel have a broad understanding of international humanitarian and human rights law and of the obligations of medical personnel under medical ethics, including the obligation to act in the patient's best interest, the obligation to guarantee medical confidentiality and the obligation to preserve life.

Recommendation 4. Promoting regular cooperation, including exchanges of information, analysis and best practices, among all stakeholders

12. Member States should establish, at the national level, a multi-stakeholder forum, including representatives of communities affected by attacks on medical care in armed conflict, which would meet regularly to share challenges and good practices on preventing and addressing acts of violence impacting the delivery of medical care and other forms of obstruction to its delivery in situations of armed conflict.

Recommendation 5. Enhancing the role of United Nations peace operations

13. As appropriate, taking into account the country-specific situation with regard to attacks against medical care in armed conflict, the role of United Nations peace operations in contributing to the creation of an environment conducive to the safe delivery of medical care in armed conflict should be strengthened. This includes capacity-building and support to security sector reform and accountability processes when reviewing or establishing mandates, and ensuring that the resources of peace operations are commensurate with their mandates.

Recommendation 6. Using available means of influence vis-à-vis parties to a conflict in order to ensure respect for, and prevent violations of, international law relating to the protection of medical care in armed conflict

14. States should use tools and means of leverage at their disposal, such as diplomatic, political and economic means, to ensure that parties to armed conflict respect their obligations under international law in relation to the protection of medical care in armed conflict, including by opening channels of dialogue or dedicating budgets to bilateral and multilateral assistance in the form of training, judicial and legislative reform, and support to relevant civil society initiatives.

15. In keeping with the spirit of the Arms Trade Treaty and similar regional instruments, Member States that export conventional weapons should assess the likelihood that they could be used to commit serious violations of international humanitarian or human rights law and refrain from exporting them if there is a substantial risk of such serious violations. Member States should give particular consideration to violations of the right to health, as well as violations of rules of international humanitarian law regarding medical care in armed conflict.

16. The Security Council should consider adopting measures, including under article 41 of the Charter of the United Nations, against individuals or entities determined by relevant subsidiary bodies of the Security Council as being responsible for, or complicit in, acts of violence or other acts affecting medical care in armed conflict in violation of international law.

Recommendation 7. Promoting awareness and compliance

17. All Member States, as well as parties to armed conflicts, with support from the United Nations and other relevant organizations, should promote a culture of respect for international humanitarian and human rights law, with a particular focus on the right to the enjoyment of the highest attainable standard of physical and mental health and the protection of medical care in armed conflict. To that effect, all Member States and parties to conflict, with support from the United Nations and relevant organizations, should undertake training programmes for military personnel and members of non-State armed groups on the protection of medical care in armed conflict. All Member States, with support from the United Nations and relevant organizations, should undertake general public awareness campaigns on the subject.

Recommendation 8. Reporting on the implementation of Security Council resolution 2286 (2016)

18. Member States should, on a voluntary basis, report to the Secretary-General on measures they have taken to implement relevant provisions of Security Council resolution 2286 (2016). The shared information will contribute, as appropriate, to the reports mentioned in paragraph 12 of Security Council resolution 2286 (2016) and to the elaboration of a United Nations compendium of best practices.

B. Enhancing the protection of medical care in armed conflict

Recommendation 9. Adopting, reviewing, revising and implementing operational precautionary measures

19. Parties to armed conflicts should review rules of engagement, military manuals, tactical directives, standard operating procedures and other similar

operational rules or guidelines, and take the necessary steps to ensure that such materials prohibit the targeting of protected medical staff, facilities and transports and include precautionary measures on the planning and conduct of military operations, in order to prevent and minimize the consequences of hostilities on medical care in armed conflict. This might include measures such as:

(a) Specific measures to guarantee respect for the exclusively humanitarian character of hospitals and other medical facilities, such as: (i) prohibiting the use of hospitals and other medical facilities and transports in support of the military effort; (ii) prohibiting the conduct of hostilities and law enforcement operations within such facilities and adopting specific measures to prevent and minimize their potential negative consequences on the delivery of medical care; and (iii) prohibiting a military presence and the stockpiling of military materiel in, or in the vicinity of, hospitals and other medical facilities;

(b) Recording and mapping the presence of personnel exclusively engaged in medical duties, their means of transport and equipment, as well as hospitals and other medical facilities, and regularly updating this information, including through enhanced information exchanges and real-time coordination with medical and humanitarian actors on the ground and the use of appropriate technology;

(c) Providing for the exceptional character of attacks against a medical facility that has lost its protection under international humanitarian law or against a military objective located in the vicinity of a medical facility. If such attacks must be conducted:

(i) Advance warning with a reasonable time-limit to heed the warning should always be issued, taking into particular consideration children, pregnant women, persons with disabilities, elderly persons and technology-dependent and/or critically ill patients, who may require special assistance and care for evacuation;

(ii) Personnel exclusively engaged in medical duties and patients should be provided with information on areas to which patients can be safely evacuated and where medical care can be delivered;

(iii) For all parties, the safe passage of personnel exclusively engaged in medical duties and patients to such safe areas should be facilitated;

(iv) All other feasible precautions should be taken to avoid and minimize civilian casualties and damage to the medical facility in question, and the presence of medical personnel and patients within the facility should continue to be taken into account when undertaking proportionality assessments, even when an advance warning is not heeded.

20. Throughout the military chain of command and other appropriate channels, parties to armed conflicts should ensure the dissemination and implementation of applicable rules of engagement, military manuals, tactical directives, standard operating procedures and other similar operational documents or guidelines, with specific attention to precautionary measures aimed at minimizing the consequences of hostilities on medical care.

21. As part of these efforts, parties to armed conflicts should issue and disseminate a military order or directive stating: (a) the obligations under international law related to the protection of medical care in armed conflict; (b) the

roles, responsibilities and practical measures set out in applicable rules of engagement, military manuals, tactical directives, standard operating procedures and other similar operational documents or guidelines on the protection of medical care in armed conflict; (c) sanctions for breaches; and (d) a requirement to report any act that could constitute such a breach to appropriate authorities through the chain of command.

22. Parties to armed conflicts should establish oversight bodies to monitor compliance by their forces with the operational rules in place for the protection of civilians, with specific attention to the protection of medical care in armed conflict, and assess incidents in order to propose specific remedial action through the appropriate chain of command, including, when appropriate, revisions of applicable rules and procedures.

23. In consultation with personnel exclusively engaged in medical duties, administrators of hospitals and other medical facilities, and relevant local, national and international organizations, parties to armed conflicts should adopt contingency plans, including relocation plans, in anticipation of situations that could jeopardize the organization and provision of medical care to the wounded and sick, and take steps and institute security measures to protect patients and ensure that hospitals and other medical facilities, their means of transportation and their supplies, remain safe.

C. Enhancing the documentation of, and accountability for, acts of violence against medical care in armed conflict and providing redress and assistance

Recommendation 10. Contributing to regular data collection, analysis and reporting on incidents

24. As part of broader efforts to track and collect data and report on trends and gaps in compliance with international humanitarian and human rights law, and building upon existing tools such as the monitoring and reporting mechanism on grave violations against children in situations of armed conflict, relevant human rights special procedures and in-country humanitarian coordination mechanisms, the United Nations, in collaboration with humanitarian and other relevant actors, should enhance its efforts to ensure that data on the protection of medical care in armed conflict, including the direct impact of hostilities on medical care and the indirect consequences on the general civilian population, is systematically collected, verified and analysed. Except in cases where disclosure would risk endangering the safety or security of current or former personnel of the United Nations, victims, witnesses or sources, or otherwise prejudicing the security or proper conduct of any operation or activity of the United Nations, such data should made publicly available in order to inform response at the national, regional and global levels.

25. Member States should enhance their support to United Nations monitoring, data collection and analysis efforts, including through support to existing independent monitoring and reporting mechanisms such as the Security Council-mandated monitoring and reporting mechanism on grave violations against children in situations of armed conflict and relevant human rights special procedures, as well as their support to relevant entities such as United Nations peace operations, the World Health Organization, the United Nations Children's Fund or the United Nations Office for the Coordination of Humanitarian Affairs.

26. Member States should establish national data collection and analysis systems on medical care in armed conflict and actively engage in and support the regular sharing of analysis and lessons learned at the regional and international levels, in order to develop global coordinated strategies to enhance the protection of medical care in armed conflict.

27. Member States should ensure that the collected information is shared with independent monitors and independent monitoring and reporting mechanisms and allow for full and unhindered access of independent monitors to affected locations and persons.

Recommendation 11. Ensuring full, prompt, impartial, independent and effective investigations into serious violations of international law relating to the protection of medical care in armed conflict

28. Member States, with the support of the United Nations, should strengthen the capacity of national institutions to carry out and develop protocols and processes to ensure full, prompt, impartial, independent and effective investigations into allegations of serious violations of international law relating to the protection of medical care in armed conflict, with a view to reinforcing preventive measures, ensuring accountability and providing reparations to victims.

29. Member States should ensure that effective investigations are systematically conducted into allegations of serious violations of international law relating to the protection of medical care in armed conflict, including by requesting and consenting to inquiries by the International Humanitarian Fact-Finding Commission established pursuant to article 90 of Additional Protocol I to the Geneva Conventions.

30. When Member States fail to carry out such investigations, the Security Council should consider establishing international fact-finding missions or commissions of inquiry, or have recourse to the International Humanitarian Fact-Finding Commission established pursuant to article 90 of Additional Protocol I to the Geneva Conventions, to investigate allegations of serious violations of international law relating to the protection of medical care in armed conflict.

31. Member States and parties to armed conflicts should provide support to, and facilitate the work of, fact-finding missions and commissions of inquiry established by the Secretary-General or United Nations bodies, including the Security Council and the Human Rights Council.

Recommendation 12. Ensuring that individuals suspected of perpetrating serious violations of international law relating to the protection of medical care in armed conflict are prosecuted

32. Member States should ensure that, in domestic jurisdictions, all serious violations of international law relating to the protection of medical care in armed conflict constitute crimes and that suspected perpetrators are prosecuted, including through the establishment and exercise of universal jurisdiction over international crimes.

33. Member States should also ensure that, in national jurisdictions, all violations of existing rules of engagement or standard operating procedures relating to the protection of medical care in armed conflict are subject to sanctions that are

graduated and combinable to ensure that the penalty is commensurate with the seriousness of the violation.

34. Member States, with the support of the United Nations, should strengthen the capacity of national law enforcement and judicial authorities to enforce such sanctions in line with human rights obligations, including through the provision of training for judges and prosecutors.

35. Where national accountability mechanisms are insufficient or inadequate to address serious violations, Member States and the Security Council should ensure that appropriate international accountability mechanisms are established, or existing international accountability mechanisms, including the International Criminal Court, are resorted to, and provided with adequate cooperation and support to fulfil their mandates.

Recommendation 13. Providing reparations and assistance to victims and restoring essential services

36. Member States should ensure adequate, effective and prompt reparations to victims of attacks against medical care in armed conflict.

37. Member States should commit to providing assistance to victims, including personnel exclusively engaged in medical duties and affected communities, notably in the form of medical care, rehabilitation and psychological support, and measures to support their social and economic inclusion.

38. Member States, with the assistance of the United Nations and other relevant organizations, should ensure the restoration of essential services, including by rebuilding hospitals and other medical facilities destroyed or damaged in attacks, clearing explosive remnants of war, providing emergency medical care and establishing safe routes and alternative hospitals and other medical facilities, as well as safe environments for the delivery of preventive medical services such as vaccination campaigns.